

Agenda

Environmental Protection Commission

Meeting Copy
ADM-111 EPO Meeting
March 20, 1995
10:00 AM
Wallace State Office Building, Fourth Floor Conference Room

Public Participation

10:30 A.M.

Appointment - Amy Couch (Item #12)

~~Appointment - CMEI~~

Agenda topics

1. Approve Agenda
2. Approve Minutes of February 20, 1995
3. Director's Report Larry Wilson (Information)
4. Monthly Financial Status Report Stan Kuhn (Information)
5. Landfill Alternatives Financial Assistance Program Awards Teresa Hay (Information)
6. Iowa Business Loan Program Awards Teresa Hay (Information)
7. Final Rule--Chapter 145, Household Batteries Teresa Hay (**Decision**)
8. Monthly Reports Allan Stokes (Information)
9. Update - Don Grell Allan Stokes (Information)
10. City of Ames Water Quality Standards Allan Stokes (Information)
11. Interagency Agreement - Linn County Air Pollution Control Program Allan Stokes (**Decision**)
12. Air Quality Budget and Permit Fees Allan Stokes (**Decision**)
13. State Revolving Fund, Intended Use Plan - FY 95 Allan Stokes (**Decision**)
14. Notice of Intended Action--Chapter 112, Infectious Waste Allan Stokes (**Decision**)
15. Notice of Intended Action--Chapter 117, Waste Tire Collection and Processing Allan Stokes (**Decision**)
16. Legislation Update Don Paulin (Information)
17. General Discussion
18. Address Items for Next Meeting

Next Meeting Dates

April 17, 1995

May 15, 1995

ENVIRONMENTAL PROTECTION COMMISSION

Monday, March 20, 1995

NAME

COMPANY OR AGENCY

CITY

(PLEASE PRINT)

Don E. Gull Dodge	Enterprise	Fort Dodge, DM
ERRY Beeman	DM Register	
STEVE BUYER	IES INVASIVES	Cedar Rapids
BOB MAW	IWPCA	Newton
Dennis J. Gordy	2 Woodbine Rd.	Mason City
John Miller	Hygienic Lab	DSM
Amy Christensen Couch	Sullivan & Ward	Des Moines
Mike Cormack/Phyllis Stewart	District 13	Fort Dodge
Norman Mundie	Dist 14	Ft. Dodge
Scott Young	Smith Gill Fisher & Butts	Kansas City
Mike Lynch	Illinois Tool Works	{ Glenview IL
Doug Litwiler	Town Health System	Oskaloosa IA
Michael Voad	Iowa Health System	Des Moines, IA
J. HAVENS	IAMED WASTE	DM.
DICK THORNTON	DAVIS LAW	C.R. IA.
JACK SOENER	ABI	DM
		DM

ENVIRONMENTAL PROTECTION COMMISSION

NAME

COMPANY OR AGENCY

CITY

(PLEASE PRINT)

Christopher D. Hess
Rod Bosha

U.S. EPA Region VII
CRGzette

Kansas City

David Thompson

Thompson Environmental

West Des Moines

John Eichelberger

Stanley, Lande & Hunter

Muscatine

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MINUTES
OF THE
ENVIRONMENTAL PROTECTION COMMISSION
MEETING

MARCH 20, 1995

WALLACE STATE OFFICE BUILDING
DES MOINES, IOWA

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MEETING MINUTES

CALL TO ORDER

The meeting of the Environmental Protection Commission was called to order by Chairperson Siebenmann at 10:00 a.m. on Monday, March 20, 1995, in the Wallace State Office Building, Des Moines, Iowa.

MEMBERS PRESENT

Verlon Britt
Rozanne King, Secretary
Charlotte Mohr
Gary Priebe
Nancylee Siebenmann, Chair
Terrance Townsend
Clark Yeager, Vice-Chair

MEMBERS ABSENT

William Ehm
Kathryn Murphy

ADOPTION OF AGENDA

The following adjustments were made to the agenda:

- Add: Appointment - Amy Couch (Item 12, Air Quality Budget & Permit Fees)

Motion was made by Rozanne King to approve the agenda as amended. Seconded by Terrance Townsend. Motion carried unanimously.

APPROVED AS AMENDED

APPROVAL OF MINUTES

Motion was made by Gary Priebe to approve the meeting minutes of February 20, 1995, as presented. Seconded by Charlotte Mohr. Motion carried unanimously.

APPROVED AS PRESENTED

DIRECTOR'S REPORT

Larry Wilson, Director, noted that copies of the Waste Management Division's new publication "Waste Matters," was distributed to each Commissioner. He also distributed a list of possible tour sites to be taken in conjunction with future EPC meetings and related that the Commission could discuss it later, under General Discussion.

Director Wilson reported that he attended a press conference this morning where the Governor displayed the new 1995 Iowa road map. He pointed out the significance of this map is that it highlights the 75th anniversary of the Iowa state park system. All state parks are marked on the map by a symbol depicting the American Goldfinch.

FINANCIAL STATUS REPORT - YTD DIVISION EXPENDITURES

Mark Slatterly, Bureau Chief, Budget and Grants Bureau, presented the following item.

Attached is the YTD division-level expenditure status report as of 2/28/95. This report will be presented to the Commission and staff will respond to related questions concerning the DNR budget.

DIRECTOR'S OFFICE/I&E BUREAU

EXPENSE CATEGORY	Actual FY94	Budget FY95	YTD Budget 2/28/95	YTD Actual 2/28/95	Under (Over)
PERS SERV	941,578	970,715	669,793	661,829	7,964
PERS TRV IN	36,778	53,100	30,957	26,058	4,899
STATE VEHICL	4,347	7,931	5,290	2,535	2,755
DEPRECIATION	7,755	12,640	8,431	5,240	3,191
PERS TRV OUT	8,273	9,500	5,539	7,047	(1,509)
OFF SUPPLY	75,525	104,076	60,676	56,946	3,730
FAC MAINT SU	1,028	6,000	3,498	34	3,464
EQUIP MAINT	3,540	6,850	3,994	2,745	1,249
OTHER SUPPLY	39,327	65,899	38,419	47,076	(8,657)
PRINT & BIND	299,648	293,510	171,116	130,837	40,279
UNIFORMS	306	2,150	1,253	910	343
COMMUNICATIO	22,957	26,900	15,683	13,205	2,478
RENTALS	1,287	1,500	875	1,334	(460)
UTILITIES	218	750	437	85	352
PROF SERV	89,165	70,568	38,812	20,774	18,038
OUTSIDE SERV	25,614	28,550	16,645	9,144	7,501
ADVER PUB	0	6,000	3,498	0	3,498
DATA PROC	13,979	14,050	8,191	4,999	3,192
REIMBURSMENT	2,060	6,175	3,600	1,193	2,407
EQUIPMENT	34,828	30,724	21,507	17,204	4,303
OTHER EXP	100	2,600	1,516	0	1,516
	1,608,313	1,720,188	1,109,730	1,009,195	100,535

ADMINISTRATIVE SERVICES DIVISION

EXPENSE CATEGORY	Actual FY94	Budget FY95	YTD Budget 2/28/95	YTD Actual 2/28/95	Under (Over)
PERS SERV	3,544,312	3,598,211	2,482,766	2472261	10,505
PERS TRV IN	36,797	48,050	28,013	21,313	6,700
STATE VEHICL	48,733	57,000	38,019	30,596	7,423
DEPRECIATION	145,319	80,500	53,694	45,980	7,714
PERS TRV OUT	4,784	7,300	4,256	6,296	(2,040)
OFF SUPPLY	314,207	315,255	183,794	193,953	(10,159)
FAC MAINT SU	2,091	21,000	12,243	240	12,003
EQUIP MAINT	45,040	52,000	30,316	23,216	7,100
OTHER SUPPLY	8,005	14,300	8,337	1,943	6,394
PRINT & BIND	21,116	14,500	8,454	10,697	(2,244)
UNIFORMS	2,460	2,500	1,458	1,887	(430)
COMMUNICATIO	98,778	97,100	56,609	46,411	10,198
RENTALS	503	500	292	184	108
UTILITIES	527	0	0	282	(282)
PROF SERV	62,018	40,000	22,000	34,044	(12,044)
OUTSIDE SERV	28,369	73,650	42,938	12,520	30,418
ADVER PUB	0	500	292	-77	369
DATA PROC	188,477	97,000	56,551	26,884	29,667
AUDITOR REIM	163,645	160,000	88,000	105,953	(17,953)
REIMBURSMENT	183,548	117,150	68,298	43,437	24,861
EQUIPMENT	173,698	158,508	110,956	121,324	(10,368)
OTHER EXP	383,632	165,320	96,382	0	96,382
LICENSES	0	50	29	0	29
	5,456,059	5,120,394	3,393,694	3,199,344	194,350

PARKS, PRESERVES AND RECREATION DIVISION

EXPENSE	Actual	Budget	YTD Budget	YTD Actual	Under
CATEGORY	FY94	FY95	2/28/95	2/28/95	(Over)
PERS SERV	4,378,069	4,475,451	3,088,061	3,077,338	10,723
SEASONAL HELP	1,278,892	1,345,012	820,457	972,951	(152,494)
PERS TRV IN	72,376	57,274	33,391	39,231	(5,840)
STATE VEHICL	212,137	204,800	136,602	144,731	(8,129)
DEPRECIATION	304,490	296,900	198,032	195,320	2,712
PERS TRV OUT	4,998	7,585	4,422	3,190	1,232
OFF SUPPLY	33,046	35,700	20,813	32,449	(11,636)
FAC MAINT SU	500,824	479,500	279,549	349,612	(70,064)
EQUIP MAINT	400,521	286,749	167,175	228,379	(61,204)
AG CONS SUPP	67,853	26,792	15,620	11,983	3,637
OTHER SUPPLY	39,315	36,194	21,101	20,242	859
PRINT & BIND	54,853	24,000	13,992	5,324	8,668
UNIFORMS	31,530	31,577	18,409	20,009	(1,600)
COMMUNICATIO	98,313	98,002	57,135	50,415	6,720
RENTALS	37,023	34,900	20,347	28,829	(8,482)
UTILITIES	432,202	401,951	234,337	245,455	(11,118)
PROF SERV	97,181	62,408	34,324	12,863	21,461
OUTSIDE SERV	221,882	179,852	104,854	126,872	(22,018)
ADVER PUB	1,070	1,050	612	529	83
DATA PROC	4,555	5,000	2,915	1,947	968
REIMBURSMENT	7,084	2,425	1,414	3,360	(1,946)
EQUIPMENT	203,645	202,000	141,400	139,378	2,022
OTHER EXP	776	4,700	2,740	0	2,740
LICENSES	512	697	406	94	312
	8,483,147	8,300,519	5,418,108	5,710,501	(292,393)

FORESTS AND FORESTRY DIVISION

EXPENSE	Actual	Budget	YTD Budget	YTD Actual	Under
CATEGORY	FY94	FY95	2/28/95	2/28/95	(Over)
PERS SERV	1,700,668	1,762,827	1,216,351	1,183,288	33,063
SEASONAL HELP	93,663	110,874	67,633	43,175	24,458
PERS TRV IN	34,236	43,500	25,361	23,237	2,124
STATE VEHICL	68,031	91,000	60,697	42,682	18,015
DEPRECIATION	133,145	139,700	93,180	89,740	3,440
PERS TRV OUT	7,996	9,300	5,422	5,334	88
OFF SUPPLY	16,770	20,300	11,835	19,126	(7,291)
FAC MAINT SU	50,454	44,000	25,652	20,381	5,271
EQUIP MAINT	59,574	57,000	33,231	28,489	4,742
AG CONS SUPP	130,342	144,000	83,952	91,961	(8,009)
OTHER SUPPLY	39,763	39,900	23,262	6,031	17,231
PRINT & BIND	5,909	15,500	9,037	2,019	7,018
UNIFORMS	8,066	15,600	9,095	4,652	4,443
COMMUNICATIO	31,170	43,669	25,459	18,763	6,696
RENTALS	34,925	36,000	20,988	13,120	7,868
UTILITIES	28,690	37,000	21,571	15,176	6,395
PROF SERV	0	500	275	16,421	(16,146)
OUTSIDE SERV	59,777	68,500	39,936	16,850	23,086
ADVER PUB	406	2,000	1,166	68	1,098
DATA PROC	19,776	3,300	1,924	479	1,445
REIMBURSEMENT	918	550	321	1,457	(1,136)
EQUIPMENT	74,077	115,931	81,152	103,590	(22,438)
	2,598,356	2,800,951	1,857,497	1,746,039	111,458

ENERGY & GEOLOGICAL RESOURCES DIVISION

EXPENSE	Actual	Budget	YTD Budget	YTD Actual	Under
CATEGORY	FY94	FY95	2/28/95	2/28/95	(Over)
PERS SERV	2,254,092	2,396,255	1,653,416	1,554,760	98,656
PERS TRV IN	20,252	39,893	23,258	10,718	12,540
STATE VEHICL	12,298	19,000	12,673	7,507	5,166
DEPRECIATION	25,560	30,500	20,344	14,135	6,209
PERS TRV OUT	41,042	66,696	38,884	28,206	10,678
OFF SUPPLY	30,407	34,560	20,148	19,880	268
FAC MAINT SU	2,284	1,700	991	88	903
EQUIP MAINT	3,212	8,350	4,868	1,773	3,095
PROF SUPPLY	977	5,121	2,986	156	2,830
OTHER SUPPLY	21,530	36,953	21,544	8,679	12,865
PRINT & BIND	31,317	49,700	28,975	8,637	20,338
UNIFORMS	0	1,000	583	154	429
COMMUNICATIO	40,457	45,850	26,731	20,560	6,171
RENTALS	2,194	500	292	2,413	(2,122)
UTILITIES	19,980	18,400	10,727	8,236	2,491
PROF SERV	767,256	1,352,826	744,054	325,815	418,239
OUTSIDE SERV	21,166	75,677	44,120	24,090	20,030
ADVER PUB	460	0	0	219	(219)
DATA PROC	13,584	22,900	13,351	3,358	9,993
REIMBURSEMENT	5,306	7,330	4,273	2,736	1,537
EQUIPMENT	94,217	105,945	74,162	41,388	32,774
OTHER EXP	4,639	25,409	14,813	0	14,813
	3,412,230	4,344,565	2,761,191	2,083,508	677,683

ENVIRONMENTAL PROTECTION DIVISION

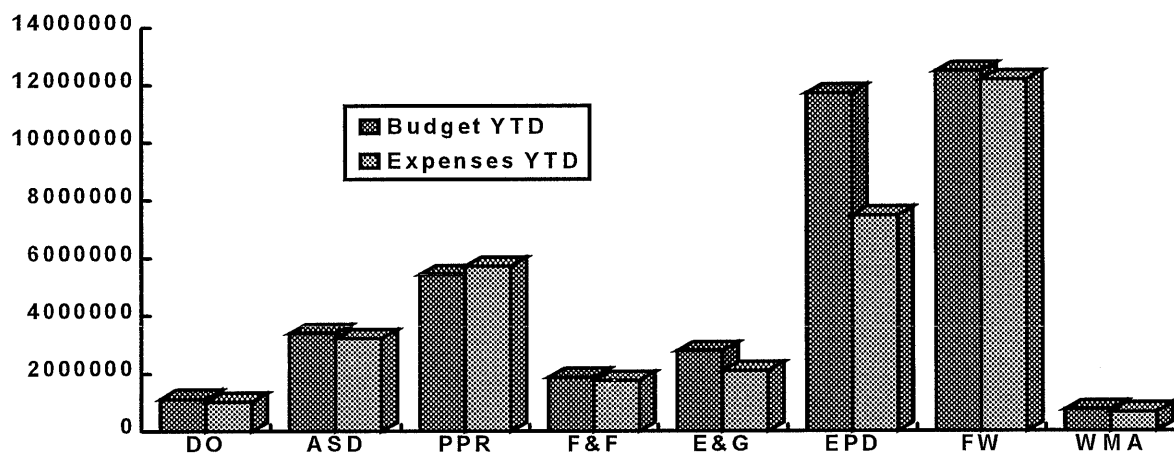
EXPENSE	Actual	Budget	YTD Budget	YTD Actual	Under
CATEGORY	FY94	FY95	2/28/95	2/28/95	(Over)
PERS SERV	7,539,956	8,584,860	5,923,553	5,343,036	580,517
PERS TRV IN	52,321	143,000	83,369	31,217	52,152
STATE VEHICL	38,614	48,500	32,350	27,047	5,303
DEPRECIATION	62,205	70,500	47,024	39,770	7,254
PERS TRV OUT	68,533	165,114	96,261	33,322	62,939
OFF SUPPLY	75,264	110,469	64,403	63,549	854
FAC MAINT SU	989	8,600	5,014	2,709	2,305
EQUIP MAINT	14,440	17,000	9,911	7,086	2,825
PROF SUPPLY	0	1,350	787	0	787
OTHER SUPPLY	21,959	44,050	25,681	9,196	16,485
PRINT & BIND	58,487	82,050	47,835	51,251	(3,416)
UNIFORMS	1,992	4,500	2,624	3,079	(456)
COMMUNICATIO	150,998	162,600	94,796	83,406	11,390
RENTALS	65,589	66,500	38,770	43,453	(4,684)
UTILITIES	17,622	24,811	14,465	9,460	5,005
PROF SERV	1,441,690	5,067,139	2,786,926	1,009,693	1,777,233
OUTSIDE SERV	84,580	71,080	41,440	49,111	(7,671)
INTRA TRANSF	0	404,000	235,532	0	235,532
ADVER PUB	6,536	10,600	6,180	2,635	3,545
DATA PROC	165,651	239,206	139,457	105,524	33,933
REIMBURSMENT	23,854	45,650	26,614	26,339	275
EQUIPMENT	323,387	2,772,339	1,940,637	500,484	1,440,153
OTHER EXP	8,650	23,250	13,555	0	13,555
	10,223,317	18,167,168	11,677,183	7,441,367	4,235,816

FISH AND WILDLIFE DIVISION

EXPENSE	Actual	Budget	YTD Budget	YTD Actual	Under
CATEGORY	FY94	FY95	2/28/95	2/28/95	(Over)
PERS SERV	11,725,190	11,802,780	8,143,918	8,262,835	(118,917)
SEASONAL HELP	621,243	781,508	476,720	494,807	(18,087)
PERS TRV IN	345,439	351,280	204,796	193,707	11,089
STATE VEHICL	505,451	497,386	331,756	365,512	(33,756)
DEPRECIATION	678,010	754,723	503,400	458,055	45,345
PERS TRV OUT	30,179	40,400	23,553	22,147	1,406
OFF SUPPLY	329,984	334,118	194,791	222,237	(27,446)
FAC MAINT SU	401,632	491,580	286,591	195,362	91,229
EQUIP MAINT	361,965	350,436	204,304	252,534	(48,230)
AG CONS SUPP	294,457	382,075	222,750	161,432	61,318
OTHER SUPPLY	152,016	105,707	61,627	102,165	(40,538)
PRINT & BIND	157,197	224,375	130,811	146,667	(15,856)
UNIFORMS	106,426	134,675	78,516	65,460	13,056
COMMUNICATIO	236,569	207,200	120,798	176,506	(55,708)
RENTALS	56,926	73,535	42,871	29,033	13,838
UTILITIES	212,848	226,116	131,826	117,288	14,538
PROF SERV	134,334	411,009	226,055	220,373	5,682
OUTSIDE SERV	207,047	162,812	94,919	110,985	(16,066)
ADVER PUB	2,024	2,600	1,516	708	808
DATA PROC	69,538	54,000	31,482	50,408	(18,926)
REIMBURSMENT	68,912	68,450	39,906	15,639	24,267
EQUIPMENT	439,667	1,258,954	881,268	481,667	399,601
OTHER EXP	1,897	600	350	4,326	(3,976)
LICENSES	46	300	175	22	153
	17,138,997	18,716,619	12,434,699	12,149,875	284,824

WASTE MANAGEMENT ASSISTANCE DIVISION

EXPENSE	Actual	Budget	YTD Budget	YTD Actual	Under
CATEGORY	FY94	FY95	2/28/95	2/28/95	(Over)
PERS SERV	710,567	750,557	517,884	510,358	7,526
PERS TRV IN	27,240	34,300	19,997	17,973	2,024
PERS TRV OUT	22,096	47,200	27,518	10,436	17,082
OFF SUPPLY	6,849	26,200	15,275	7,254	8,021
EQUIP MAINT	0	3,150	1,836	380	1,456
OTHER SUPPLY	7,665	5,585	3,256	1,728	1,528
PRINT & BIND	31,417	51,324	29,922	20,019	9,903
UNIFORMS	0	100	58	0	58
COMMUNICATIO	14,989	17,500	10,203	7,115	3,088
RENTALS	889	1,550	904	460	444
PROF SERV	66,367	118,411	65,126	39,159	25,967
OUTSIDE SERV	9,218	14,300	8,337	2,091	6,246
ADVER PUB	1,614	2,600	1,516	0	1,516
DATA PROC	7,270	7,600	4,431	2,723	1,708
REIMBURSEMENT	16,575	23,100	13,467	9,074	4,393
EQUIPMENT	0	15,700	10,990	16,378	(5,388)
OTHER EXP	4,639	5,700	3,323	0	3,323
	927,395	1,124,877	734,042	645,148	88,894



Mr. Slatterly presented the report on expenditures by division.

Brief discussion followed.

INFORMATIONAL ONLY

LANDFILL ALTERNATIVES FINANCIAL ASSISTANCE PROGRAM AWARDS

Teresa Hay, Division Administrator, Waste Management Assistance Division, presented the following item.

Ten (10) applications were selected for funding from a round of thirty-five (35) applications submitted the first Monday in December 1994. A brief summary of each selected project follows for the Commission's information. For this round of funding, a total of \$2,304,182 is awarded to the selected projects. Of the total award, \$1,598,543 is awarded as zero interest loans and \$705,639 is awarded as grants.

Contracts for each project will be brought to the Commission for approval beginning with the April meeting.

SELECTED PROJECTS LANDFILL ALTERNATIVES FINANCIAL ASSISTANCE PROGRAM DECEMBER 1994 ROUND OF FUNDING

Winneshiek County Linus Rothmeyer Chair, Board of Supervisors \$325,174 - Zero Interest Loan

The project involves expanding an existing recycling center and purchasing additional equipment to meet current needs for expanded recyclables storage and processing. The facility, located in Decorah, currently serves Winneshiek County and rural Allamakee County. The potential exists to expand the project service area by adding all of Allamakee County and by serving as the processor for recyclables collected in northeast Iowa by Waste Management, Inc. once the project is completed and current contracts expire. Targeted materials include ONP, mixed paper, magazines, OCC, metal, glass, post-consumer plastic (Nos. 1,2,3,4,5 and 7), post-industrial plastic (rigid vinyl), textiles and other items.

Winneshiek County received an \$8,052 grant during the June 1992 round to establish a reuse program located at the landfill. The program called for the construction of a small building to store usable demolition materials (i.e., doors, cabinets, windows, and other fixtures) separated from the waste stream for reuse. Separated, targeted materials are not subject to the landfill tipping fee and these materials are free to those wishing to use them.

Shine Brothers Corporation

Toby Shine, President
\$331,245 - Grant
\$144,146 - Zero Interest Loan

The Spencer, Clay County based company currently recycles used electrical wire and is proposing to expand their recycling efforts by recovering, processing and marketing the wire's insulation material. This material is currently landfilled, 5,500 tons in 1994. Recovered material will be bagged and marketed to an out-of-state company for use primarily in the dairy cattle industry as a cushion. The applicant is seeking financial assistance for the purchase of equipment and building construction.

The applicant has not received previous financial assistance.

Addoco Pallets
Stephen Rodham, President
\$92,568 - Zero Interest Loan

The applicant, located in the City of Peosta, Dubuque County, is proposing to expand operations at the existing pallet manufacturing facility through recycling wooden pallets. The applicant will purchase equipment necessary to grind non-usable wood pallets and scrap wood into marketable mulch, animal bedding and boiler fuel. The project will serve eastern Iowa, and portions of Illinois, Minnesota, and Wisconsin. Financial assistance is requested for the purchase of a wood grinder.

The applicant has not received previous financial assistance.

The Celotex Corporation
Larry Hickey, Plant Manager
\$484,760 - Zero Interest Loan

The applicant is proposing to implement a processing system capable of converting waste gypsum wallboard, including stockpiled waste wallboard, into a raw material suitable for reintroducing into the manufacturing process. The applicant, located in the City of Fort Dodge, Webster County, is seeking financial assistance for site preparation, building construction, equipment purchase and installation.

The applicant has not received previous financial assistance.

Great River Regional Waste Authority
Randy Hartmann, Director
\$102,625 - Zero Interest Loan

The applicant, located in the City of Fort Madison, Lee County, proposes to enhance existing waste wood recycling activities through the purchase of a new waste wood grinder. The applicant is negotiating regional cooperative marketing agreements for wood and yard waste products. Financial assistance is requested for equipment and education/promotion materials.

The applicant received a \$195,185 grant for construction of a materials recovery facility and expand residential curbside and commercial recyclables collection programs. The grant was awarded during the June 1992 round of funding.

Siouxland Mat Company
Gene Hiemstra, Owner
\$243,750 - Zero Interest Loan

The Sioux Center, Sioux County applicant, is seeking to expand an existing custom rubber mat manufacturing facility through the purchase of a larger manufacturing building and the purchase of additional equipment. Rubber mats are manufactured using waste materials from a variety of Iowa manufacturers and scrap tires. No virgin rubber materials are used in the production of the mats.

The applicant has not received previous financial assistance.

Stickle Custom Feed
Donald Stickle, Vice President
\$185,520 - Zero Interest Loan

The proposed project involves expanding and improving efficiency of an existing facility that manufactures animal feed from food wastes. Targeted food wastes are supplied by bakery companies, cereal processors, candy processors, milk product processors and specialty food producers. The project will allow accepting a larger amount and variety of food waste products and products with a higher packaging to feed ratio. Waste packaging is recovered and used a fuel source for the processing of the feed product. The applicant is located in the City of Anamosa, Linn County and is requesting financial assistance for building construction, equipment, and supplies.

The applicant has not received previous financial assistance.

Christy Corporation and Freese Lime and Rock
Patty Freese, President
\$274,732 - Grant
\$20,000 - Zero Interest Loan

The City of Waterloo, Black Hawk County applicant proposes to implement a recycling program for fly ash from circulating fluidized bed boilers, initially targeting fly ash generated by the University of Northern Iowa. Fly ash will be blended with ag lime and applied to farm fields for use as a soil conditioner and to neutralize soil acidity. Financial assistance is requested for the purchase of equipment, storage building construction, and research/marketing.

The applicant has not received previous financial assistance.

By-Products Technologies, Inc.

Mike Phillips, President

\$50,000 - Grant

The proposed pilot project will process asphalt shingles for use by asphalt companies in road repair and new road construction. The applicant, located in the City of Keosauqua, Van Buren County, is seeking financial assistance for equipment rental, equipment modifications, wages and product testing.

The applicant has not received previous financial assistance.

City of Ottumwa

Alan Winders, Project Coordinator

\$49,662 - Grant

Utilizing the local government access channel the City of Ottumwa, Wapello County, will provide educational programs targeting the general public, business and industry on solid waste management alternatives of waste reduction and recycling. Financial assistance is requested for personnel and travel expenses, supplies and video production.

Ms. Hay reviewed the applications received and gave a detailed explanation of those chosen to receive zero interest loans and/or grants.

Discussion followed regarding the amount of fly ash produced in Iowa each year and whether a permit is needed to apply it to farm ground.

Gary Priebe stated that he would like to know the term of each loan when this item is resubmitted for a decision.

Director Wilson indicated that staff will provide that information later today.

Charlotte Mohr asked if it would be better to share the money with more people than to give a facility both a loan and a grant.

Ms. Hay stated that in the two particular cases where they received both a grant and loan, they qualified for a grant because the technology they will implement in their projects will be unique to Iowa. The grant portion was for technology only and the loan portion was for buildings only.

INFORMATIONAL ONLY

IOWA BUSINESS LOAN PROGRAM AWARDS FOR WASTE REDUCTION AND RECYCLING

Teresa Hay, Division Administrator, Waste Management Assistance Division, presented the following item.

One applicant, Corell Recycling, was selected for funding from a round of five applications received for consideration on January 17, 1995. A brief summary of the proposed project is attached for the Commission's information. The contract for this project will be brought to the Commission for approval at the April 1995 meeting.

Corell Recycling requested \$194,749 in loan funding. The applicant also submitted for consideration, a nearly identical application through the Landfill Alternatives Financial Assistance Program. The loan request for this application totaled \$367,858. The difference in request amounts stemmed from the applicant's misunderstanding of the administrative rules regarding applicant cost share through the Iowa Business Loan Program. It was determined that the full amount requested in the Landfill Alternatives Financial Assistance Program application be awarded to Corell Recycling through the Iowa Business Loan Program for Waste Reduction and Recycling.

IOWA BUSINESS LOAN PROGRAM FOR WASTE REDUCTION AND RECYCLING

RECOMMENDED APPLICATION

Corell Recycling
Steve Corell, Owner
Bill Lawrie, Manager
\$367,858 - Zero Interest Loan

The applicant proposes to expand existing concrete and asphalt recycling operations in order to provide the service to over 400 current customers and identified prospects within the project service area of Polk County and portions of Dallas and Warren Counties. Processed materials meet specifications for such uses as base and backfill material, bedding material for piping,

construction site stabilization and driveway cover material. The applicant is located in the City of West Des Moines, Polk County and is seeking financial assistance for the purchase of additional processing equipment and wages.

The applicant has not received previous financial assistance.

Ms. Hay reviewed details of the application.

INFORMATIONAL ONLY

FINAL RULE--CHAPTER 145, HOUSEHOLD BATTERIES

Teresa Hay, Division Administrator, Waste Management Assistance Division, presented the following item.

The Commission is requested to approve the proposed rule relating to the use and regulation of household batteries. Chapter 145, "Household Batteries" Iowa Administrative Code are proposed to implement Iowa code sections 455D.10A and 455D.10B.

Iowa code sections 455D.10A and 455D.10B establish laws and standards regarding the management of household batteries. These laws include: 1) a limit on the amount of mercury added to household batteries; 2) the management of nickel-cadmium, mercuric oxide and smaller sealed lead acid batteries by reducing the toxics, establishing a recycling program or establishing a disposal program; and 3) a requirement that rechargeable batteries are easily removed from rechargeable consumer products. The rechargeable battery, rechargeable consumer product and the product package must be labeled to indicate that these batteries must be managed through recycling or proper disposal.

The proposed rule clarifies the responsibilities of household battery manufacturers, distributors, dealers, and consumers regarding the recycling and proper disposal requirements for nickel-cadmium, mercuric oxide and smaller sealed lead-acid batteries.

Notice of Intended Action was published December 21, 1994, as ARC 5321A. The Notice of Intended Action stated that any interested person may make written suggestions or comments on the proposed rule on the Notice Of Intended Action prior to January 11, 1995. A public hearing was held for the purpose of receiving written and oral comments on the proposed rule. This hearing was held January 11, 1995 at 10:00 a.m. at the Wallace State Office Building, 5th Floor West Conference Room, 900 East Grand Avenue, Des Moines, Iowa.

Nine participants were present at the January 11 hearing. Oral comments were taped. Five written comments were submitted. Due to comments received changes have been made in two sections of the proposed rule.

In subsection 145.3 the original first sentence was deleted and except those batteries subject to regulation under the federal Resource Conservation and Recovery Act, 42 U.S.C. 6901, et seq. was added to the second sentence.

The following was added after this sentence to more clearly describe which batteries are included in the collection and/or proper disposal program:

1. Only button cell batteries containing mercuric oxide are included in this collection program for recycling or proper disposal. Mercuric oxide button cell batteries shall bear an appropriate identification mark. (Non mercuric oxide button cell batteries are not included in this collection program for recycling or proper disposal.)

2. Only rechargeable dry cell batteries containing nickel-cadmium (i.e. rechargeable kitchen appliances, rechargeable power tools and other household applications) are included in this collection program for recycling or proper disposal. (This collection or proper disposal program would not include non-rechargeable batteries used in radios, flashlights and other household applications.)

3. Only sealed lead-acid batteries used in non-vehicular rechargeable (i.e. camcorders, computers, cellular phones and other household applications) products weighing less than 25 pounds are included in this collection program for recycling or proper disposal.

Subsection 145.4(3) was changed to clarify that the manufacturer is responsible for the costs of recycling or proper disposal of the household batteries that he manufacturers so the consumer is not charged when returning their waste batteries. The revised subsection follows:

A consumer shall not be required to pay for any collection, disposition and recycling activities after the original purchase of the battery. However these charges may be built into the original cost of the product.

The public participation responsiveness summary for the proposed rule is attached as well as the proposed rule.

Environmental Protection [567]

CHAPTER 145 HOUSEHOLD BATTERIES

567--145.1(455B, 455D) Scope. This chapter is intended to assist the implementation of the provisions of Iowa Code sections 455D.10A and 455D.10B. The Act limits the amount of mercury added to an alkaline manganese battery and prohibits the disposal of batteries specified in 455D.10A(3)"a"(1) as part of the mixed municipal solid waste stream. All consumers shall be informed of this prohibition on disposal. The Act further requires the establishment of a system or systems that would require any or all of the following: elimination or reduction of heavy metals or other toxic components, establishment of a comprehensive recycling program, or collection, transport, and proper disposal of the specified batteries.

Household batteries in rechargeable consumer products shall be easily removable or contained in a battery pack. The rechargeable consumer product, the battery, and the product package shall be labeled to notify the consumer of the need to recycle and of the type of electrode used in the battery.

These provisions will further ensure the protection of the state's groundwater resources while protecting the health and safety of the citizens of Iowa and the environment as a whole.

567--145.2(455B, 455D) Definitions. As used in this chapter in addition to the definitions set forth in code section 455D.10A:

"*Act*" means Iowa Code sections 455D.10A and 455D.10B.

"*Alkaline manganese battery*" means a battery consisting of a manganese dioxide positive electrode, a zinc negative electrode and an alkaline electrolyte.

"*Battery pack*" means one or more batteries enclosed in a housing.

"*Collection entity*" is defined in 455D.10A(3)"b"(1).

"*Collection system*" means a system or systems in which household batteries, as specified in 455D.10A(3)"a"(1), are collected by several methods to be recycled or properly disposed. The methods include but are not limited to: point of purchase return, mail-in return, a combination of both or a collection entity.

"*Dealer*" means any person who sells or otherwise offers household batteries to a consumer.

"*Department*" means the Iowa department of natural resources.

"*Distributor*" means any person who sells or otherwise offers household batteries to dealers.

"*Institutional generator*" is defined in 455D.10A(1)"e".

"*Manufacturer*" means any person who manufactures or offers household batteries for sale to distributors or dealers. The manufacturer's name that appears on the battery or rechargeable consumer product shall be presumed to be the manufacturer.

"*Mercuric oxide battery*" means a battery consisting of a mercuric oxide positive electrode and a zinc negative electrode.

"*Nickel-cadmium battery*" means a battery consisting of a nickel positive electrode and a cadmium negative electrode.

"*Participants in the stream of commerce*" means any dealer, distributor or manufacturer who is involved in the manufacturing, distribution, or sale of household batteries specified in 455D.10A(3)"a"(1).

"*Sealed lead-acid battery*" means a battery consisting of positive and negative electrode materials which are leads or compounds thereof, used in nonvehicular applications and weighing less than twenty-five pounds.

"*Unreasonable hazard to public health, safety, or the environment*" means a situation caused by the improper disposal of an item that is flammable, corrosive, toxic, or reactive, as defined by EPA regulations, that may result in harm to the public health, safety, or the environment. The harm created from improper disposal may be evident immediately or after a period of time. This definition relates to 455D.10B(2)"c".

567--145.3(455B, 455D) Household Batteries.

Any and all batteries specified in 455D.10A and 455D.10B that are used for any and all purposes are covered by this Act, except those batteries subject to regulation under the federal Resource Conservation and Recovery Act, 42 U.S.C. 6901, et seq.

1. Only button cell batteries containing mercuric oxide are included in this collection program for recycling or proper disposal. Mercuric oxide button cell batteries shall bear an appropriate

identification mark. (Non mercuric oxide button cell batteries are not included in this collection program for recycling or proper disposal.)

2. Only rechargeable dry cell batteries containing nickel-cadmium (i.e. rechargeable kitchen appliances, rechargeable power tools and other household applications) are included in this collection program for recycling or proper disposal. (This collection or proper disposal program would not include non-rechargeable batteries used in radios, flashlights and other household applications.)

3. Only sealed lead-acid batteries used in non-vehicular rechargeable (i.e. camcorders, computers, cellular phones and other household applications) products weighing less than 25 pounds are included in this collection program for recycling or proper disposal.

567--145.4(455B, 455D) Recycling/Disposal Requirements for Household Batteries.

145.4(1) It is the ultimate responsibility of the manufacturers working with the other participants in the stream of commerce, to establish and maintain a system or systems for the proper collection, transportation and recycling or disposal of waste batteries, specified in 455D.10A(3)"a", for consumers and institutional generators in Iowa, beginning July 1, 1996.

145.4(2) The manufacturers shall provide a plan to the department, by May 1, 1996, that specifically identifies a system or systems for the proper collection, transportation and recycling or disposal of, the specified, waste household batteries. This information shall identify transporters and recycling or disposal destinations.

145.4(3) A consumer shall not be required to pay for any collection, disposition and recycling activities after the original purchase of the battery. However these charges may be built into the original cost of the product.

145.4(4) As part of the requirement of informing each consumer of the safe and convenient return process available for recycling or proper disposal of waste batteries, pursuant to Iowa code subsection 455D.10A(3)"b"(2), a manufacturer shall provide a telephone number to each consumer of the specified batteries that provides information on returning these batteries for recycling or proper disposal. This telephone number shall also be provided to the department.

567--145.5(455B, 455D) Exemptions for batteries used in rechargeable consumer products.

A rechargeable consumer product manufacturer may apply to the department for exemption from the requirements of 455D.10B(1). An application for exemption from these requirements shall be submitted on 8 1/2 x 11 inch paper and contain:

- a. The name, address, and telephone number of the applicant and the applicant's contact;
- b. A statement setting forth the specific basis upon which the exemption is sought.

The information required pursuant to this subsection shall be furnished to the department for each specified rechargeable consumer product for which an exemption is sought. The department shall approve or deny an exemption upon receipt of an application therefore. Allowable exemptions are specified in 455D.10B(2) "a" through "d".

(A copy of the Responsiveness Summary is on file in the department's Records Center)

Ms. Hay gave a detailed explanation of the rule. She noted that David Thompson, Rechargeable Battery Recycling Corporation, attended the public hearing in January but did not give a public comment. At that time he did give a presentation about what his group is doing in terms of recycling both types of batteries. Ms. Hay explained rule changes as a result of comments received at the public hearing.

Chairperson Siebenmann noted that several people have requested to address this item and they will do so at this time.

Dick Thornton

Dick Thornton, Davis et. al. Law Firm, addressed the Commission stating that it is not necessary to adopt the rules at this point in time and it exceeds the Commission's authority delegated in HF-2365. He indicated that one thing not mentioned in review of the hearing was the plan put together by a number of manufacturer's for handling this problem. He related that the agency disregarded the participants in the chain of commerce concept proposed by the original legislation. Mr. Thornton stated that there is an overwhelming need for the Commission to delay the rules until the OMB and EPA get regulatory rules out, which should be coming down within 90 - 120 days. He indicated that a universal waste rule will deal with the totality of the situation. Mr. Thornton stressed that the rule does not become effective until July 1996 and he outlined several changes that need to be made under 145.3 dealing with batteries exempted under RCRA, 42 U.S.C. 6901; and 145.1 dealing with labeling of the product; He added that 145.4 and 145.5 need redrafted to include participants in the chain of commerce, and not manufacturers. In closing, he asked the Commission to err on the side of reasonableness and flexibility so everyone can do what needs to be done.

Mike Lynch

Mike Lynch, Illinois Tool Works, stated that he is present at the request of General Manager, Greg Walters, of their Oskaloosa facility. He related that the Oskaloosa facility manufactures a pneumatic nailer which contains an internal combustion engine powered by a small propane cell and a six cell nicad battery. He noted that his comments are on behalf of Hazload and are generated in part by his own feel of the issue. He added that even though he is an ITW employee he is more of a consultant to the 160 businesses that ITW operates. Mr. Lynch related that Mr. Walters is concerned that these rules will place burdens on his business. He noted that they have participated in the Portable Rechargeable Battery Association for three years, and the purpose of the Association's activities is to create and bring to every state in the union a program that would encourage consumers of products and batteries, household and commercial alike, to responsibly dispose of and recycle those batteries. Mr. Lynch discussed attempts to pursue legislation with Congress and noted that to permit industry to practice and implement the stewardship that public policy makers have been asking of industry, federal relief is needed. He stated that industry would like to bring all states a national plan rather than one that is altered by individual state's efforts for a particular plan.

Dennis Gordy

Dennis Gordy, Mason City, addressed the Commission encouraging them not to adopt the household batteries rules as proposed at this time. He stated that he objects to 145.4(2) and 145.4(4) noting that these requirements were in the early versions of the bill and the legislature saw fit to remove those requirements. He further stated that it is beyond the department's statutory authority to reincorporate provisions that the legislature has removed,

Ms. Hay commented that there were no objections raised today that were not already raised at the public hearing and those were addressed in the responsiveness summary. She noted that even though Mr. Thornton projected a period of 90-120 days for adoption of universal rules, people have been waiting to see those rules for quite some time. She added that EPA may adopt the rule this year and they may not adopt it until the year 2000, relating that it is difficult to predict how soon they will move on it. Ms. Hay pointed out that the department's rules are not in conflict with federal law in that none of the batteries that are being dealt with under these rules are covered by RCRA. She noted that the intent of the rule is to include all participants in the chain of commerce, not just the manufacturers. The rule language is to put the onus to begin some movement in terms of collection and recycling on the manufacturers, but it will involve all participants in the chain of commerce. The states of Minnesota, Vermont, New Jersey, Florida and Arkansas have all solely placed the collection burden on the battery manufacturers. Ms. Hay stated that in regard to statutory authority that the department requires manufacturers to submit a plan and that there is a problem otherwise with knowing where the batteries will go and how they will be handled. The rules do not state that the department will in any way approve those plans. It does provide the department information to know whether or not there is compliance with the law. She stressed that the rules have been through the Administrative Rules Review Committee process and only one comment was made by the ARC, and the rules were changed as a result of their comment. Ms. Hay emphasized that the department wanted to make sure there was adequate time for the affected industry to put this in effect and therefore the effective date was set for July 1, 1996. This would allow more than a year for the groundwork to be laid.

Considerable discussion followed regarding how the rules will affect the household consumer; possible adoption of universal rules by Congress in the near future; the types of batteries covered under the rules; and cell phones used for commercial purposes not being listed as household waste.

Motion was made by Rozanne King to table Final Rule--Chapter 145, Household Batteries, for 90 days to allow the Commission time to study it further, and then review in 90 days. Seconded by Terrance Townsend.

Terrance Townsend stated that he would like to know what other states are doing in this area.

Ms. Hay noted that staff will provide that information.

Rozanne King related that she would like to know how long Minnesota has had these laws in effect.

Vote on Commissioner King's motion carried unanimously.

TABLED FOR 90 DAYS

PUBLIC PARTICIPATION

Jack Soener (Title V Air Program)

Jack Soener, ABI, spoke about the Title V Operating Permit Program relating that since the dollars generated for the program are coming from business and industry, they feel it is important for them to have the opportunity to review the program budget. He noted that they would like it to reflect upon the speed of approving permits and the commitment for the state to hire people for the permit program. Mr. Soener stated that a subcommittee from ABI reviewed the proposed budget and they take exception to the one million dollars for the imaging system equipment. He related that the experience of industry is that there must be a great deal of equipment planning and analyzation before purchasing this type of equipment, and he would hope the department would establish a purchasing plan to implement this type of equipment over a period of years. Mr. Soener suggested that the department identify, by line item, training dollars in the budget. He noted that EPA interim file rules state that Title V fees cannot be used for the state match of federal grant dollars under section 105 of their rules. He added that the air program not covered by the Title V Operating Permit Program should be funded by general fund money, and not by the fees. Mr. Soener requested the Commission and the department to request general fund appropriations to cover the dollars needed to match the federal grant program.

MONTHLY REPORTS

Allan Stokes, Division Administrator, Environmental Protection Division, presented the following item.

The following monthly reports are enclosed with the agenda for the Commission's information.

1. Rulemaking Status Report
2. Variance Report
3. Hazardous Substance/Emergency Response Report
4. Enforcement Status Report
5. Contested Case Status Report

Members of the department will be present to expand upon these reports and answer questions.

IOWA DEPARTMENT OF NATURAL RESOURCES
ENVIRONMENTAL PROTECTION COMMISSION
RULEMAKING STATUS REPORT
March 1, 1995

PROPOSAL	NOTICE TO COMMISSION	NOTICE PUBLISHED	RULES REVIEW COMMITTEE	HEARING	FINAL SUMMARY TO COMMISSION	RULES ADOPTED	RULES PUBLISHED	RULES REVIEW COMMITTEE	RULE EFFECTIVE
1. Ch. 20, 22, and 25 - Air Quality	2/20/95	*3/15/95	*4/10/95	*4/ /95	*5/22/95	*5/22/95	*6/21/95	*7/11/95	*7/26/95
2. Ch. 22 - Air Quality Construction Permits	11/21/94	12/21/94	1/19/95	1/23/95	*4/17/95	*4/17/95	*5/10/95	*6/05/95	*6/14/95
3. Ch. 61 - Stream Use Classification	1/17/95	2/15/95	3/14/95	3/07/95 3/08/95 3/09/95 3/10/95	*4/17/95	*4/17/95	*5/10/95	*6/05/95	*6/14/95
7. Ch. 112- Infectious Waste	3/20/95	*4/12/95	*5/08/95	*5/ /95	*6/20/95	*6/20/95	*7/19/95	*8/14/95	*8/23/95
8. Ch. 117 - Waste Tire Collection and Processing	3/20/95	*4/12/95	*5/08/95	*5/ /95	*6/20/95	*6/20/95	*7/19/95	*8/14/95	*8/23/95
7. Ch. 145 - Household Batteries	11/21/94	12/21/94	1/19/95	1/11/95	3/20/95	*3/20/95	*4/12/95	*5/08/95	*5/17/95
* Projected									

Monthly Variance Report						
February, 1995						
Item No.	Facility	Program	Engineer	Subject	Decision	Date
1	Duncombe, City of	Air Quality		Separation Distance	Denied	02/01/95
2	Nora Springs, City of	Air Quality		Separation Distance	Approved	02/14/95
3	Dyersville Bridge - Dubuque County	Flood Plain	IIW Engineers & Surveyors	Freeboard	Approved	02/08/95
4	Iowa State University - Ames	Flood Plain	Snyder & Associates, Inc	Freeboard	Approved	02/22/95
5	W Fork Big Creek Watershed Site S-13 - Decatur County	Flood Plain	National Resource Conservation Service	Storm/Storage Capacity	Approved	02/22/95
6	Des Moines County Sanitary Landfill	Solid Waste	Midwest Environmental Consulting	Leachate	Approved	02/16/95
7	Grain Processing Corp Landfill-Muscataine	Solid Waste	Howard R. Green Company	Groundwater Monitoring	Denied	02/21/95
8	Harrison County Sanitary Landfill	Solid Waste	Olsson Associates Consulting Engineers	Liner	Approved	02/13/95
9	U.S. Gypsum Landfill - Sperry	Solid Waste	Montgomery Watson	Gas Control	Approved	02/17/95
10	U.S. Gypsum Landfill - Fort Dodge	Solid Waste	Montgomery Watson	Leachate	Approved	02/03/95

Report of Hazardous Conditions

During the period February 1, 1995, through February 28, 1995, reports of 40 hazardous conditions were forwarded to the central office. Two incidents are highlighted below. A general summary and count by field office is attached. This does not include releases from underground storage tanks, which are reported separately.

Date Reported and County	Material, Amount, Cause, Location & Impact	Responsible Party	Response
02/03/95 Harrison	A tanker transport carrying 7200 gallons of diesel fuel rolled over in a ditch due to a soft road shoulder. The tanker truck itself was intact, but fuel was leaking out of vent pipes into a drainage ditch. The accident occurred near Missouri Valley.	Wynne Transport PO Box 1048 Omaha NE	The local fire department diked the drainage ditch to prevent fuel from reaching a river. The company brought caps for the vents on the tanker truck. The absorbent materials and contaminated soil were removed and properly disposed.
02/04/95 Bremer	A leak in an UST at a Kwik Star Station in Janesville was discovered. Inventory losses indicated that up to 23,000 gallons of gasoline had leaked out over 2 or 3 days.	Kwik Star Hwy 218 Janesville, IA	The local fire department shut the station down, restricted access, and checked nearby structures and utility lines for explosive vapors. The company hired a consultant to recover free product.

Substance						Mode				
Month	Total Incidents	Petroleum Product	Agri - Chemical	Other Chemicals and Substances	Handling and Storage	Pipeline	Highway Incident	RR Incident	Fire	Other
October	51(56)	38(37)	3(6)	10(13)	32(34)	0(0)	16(20)	0(0)	0(0)	10(2)
November	54(52)	24(34)	7(3)	23(15)	29(30)	0(3)	22(14)	3(0)	0(1)	0(4)
December	52(41)	27(30)	2(2)	23(9)	38(23)	1(0)	12(14)	0(2)	0(0)	1(2)
January	48(67)	29(47)	7(3)	12(14)	31(38)	0(1)	14(23)	1(2)	1(2)	1(1)
February	40(57)	30(38)	0(3)	10(16)	23(29)	0(2)	16(22)	2(0)	1(0)	0(2)
March										
April										
May										
June										
July										
August										
September										

Total Number of Incidents Per Field Office This Period:

(numbers in parentheses for the same period in fiscal year '94)

1	2	3	4	5	6
4	6	4	5	14	7

REPORT OF RELEASES FROM UNDERGROUND STORAGE TANKS

During the period of February 1, 1995 through February 28, 1995, the following number of releases from underground storage tanks were identified.

16(14)

The number in parentheses represents the number of releases during the same period in Fiscal Year 1994.

NUMBER OF LUST CLEANUPS COMPLETED

During the period of February 1, 1995 through February 28, 1995, the following number of LUST cleanups were completed:

14(864)

The number in parentheses represents the total number of LUST cleanups through February 28, 1995.

Enforcement Report Update

The following new enforcement actions were taken last month:

Name, Location and Field Office Number	Program	Alleged Violation	Action	Date
Galva, City of (3)	Drinking Water	MCL - Bacteria; Public Notice	Order/Penalty \$1,000	2/01/95
Rose Acre Farms, Inc., Guthrie Co. (4)	Wastewater	Construction Without Permit	Order/Penalty \$5,000	2/09/95
Fairfield, City of (6)	Air Quality	Open Burning	Order/Penalty \$1,000	2/13/95
American Coals Corp., Site No. 5, Marion Co. (5)	Solid Waste	Operation Without Permit	Order	2/17/95
Randy Ballard, Fayette Co. (1)	Food Plain	Construction Without Permit	Order/Penalty \$2,000	2/17/95
John Deere Foundry, Waterloo (1)	Air Quality	Emission Standards	Order	2/17/95

Summary of Administrative Penalties

The following administrative penalties are due:

NAME/LOCATION	PROGRAM	AMOUNT	DUE DATE
Marvin Kruse d/b/a K & C Feeds (Luana)	UT	300	12-01-92
Don Grell d/b/a Dodge Enterprise (Ft. Dodge)	AQ	10,000	2-16-93
Duane Pospisil d/b/a Duane's Service (Lisbon)	UT	1,000	5-04-93
Franklin Raymond (Pacific Junction)	UT	300	7-07-93
Eddie Hemmer (Jones County)	AQ/SW	600	8-01-93
*Delano's Lounge (Washington)	WS	425	9-01-93
Melvin Foubert d/b/a Mel's Repair Service (What Cheer)	UT	400	12-13-93
Stan Simmer d/b/a Tire City (Des Moines)	UT	600	12-21-93
*63-80 Cafe (Moore Oil Co.) (Malcom)	WS	200	1-20-93
William Hatch d/b/a R & R Convenience Store (Central City)	UT	2,480	2-28-93
K-Service, Inc.; Kirkendall Enterprises, et.al. (Sloan)	UT	1,440	2-28-94
Kurt & Mary Marzofka; John & Shirley Riordan (Sabula)	UT	500	3-31-94
Ida Grove Farm Supply Co. d/b/a Double Circle Farm Supply Co. (Galva)	UT	2,300	5-15-94
Leland Koster and Jim Koster (Alexander)	UT	350	6-11-94
Dennis Malone & Joanne Malone (Morning Sun)	UT	600	6-16-94
*Home Asbestos & Lead Abatement Services (Johnston)	AQ	350	7-02-94
King Transfer, Ltd.; George B. King (Onawa)	UT	2,400	7-20-94
Central Water Works (Fort Dodge)	WS	275	8-21-94
Blanchard, City of	WS	275	8-22-94
Crawford Flats, Ltd. (Denison)	WS	275	8-25-94
Birmingham, City of	WS	550	8-28-94
Dakota Mobile Home Park (Iowa City)	WS	550	8-28-94
Holland, City of	WS	550	8-28-94
Denmark Municipal Water Supply (Denmark)	WS	550	8-28-94
Hide-A-Way Manor (Cedar Rapids)	WS	275	8-28-94
*Terry Beaird d/b/a Curry Environ. Services (Marion)	AQ	1,000	9-01-94
Coralville Lake Terrace Assn. (North Liberty)	WS	550	9-01-94
Ledges Water District (Boone)	WS	275	9-02-94
Midway Water & Lighting (Marion)	WS	550	9-08-94
The Marley Pump Co. (Davenport)	WS	125	9-13-94
RHCL School (Luxemburg)	WS	125	9-14-94
Willey, City of	WS	110	9-14-94
Bill Dettman d/b/a Dettman Oil Co. (Fonda)	UT	2,800	9-15-94
Verde Water Company-Table Mound #1-Well #1 (Dubuque)	WS	900	9-19-94
Trout Valley 2nd Addition (Bettendorf)	WS	125	9-19-94
Orrie's Supper Club, Inc. (Hudson)	WS	275	9-19-94
Kilpeck Mobile Home Park (Muscatine)	WS	275	9-23-94
Immanuel Lutheran Church and School (Readlyn)	WS	275	9-23-94
Sunshine Homes, Inc. (Atlantic)	WS	275	9-25-94
Scenic View Estates (Decorah)	WS	275	9-25-94
Relative, Inc.; Doug Smuck (Des Moines)	UT	3,070	10-11-94
Relative, Inc.; Doug Smuck (Des Moines)	UT	600	10-11-94
Yarmouth Elementary School (Mediapolis)	WS	375	10-12-94
Batavia, City of	WS	650	10-17-94
Geils Oil Company; Lawrence P. Geils (Donnelson)	UT	3,200	10-18-94
Hidden Valley Mobile Home Court (Washington Co.)	WS	200	10-22-94
Western Hills Light and Water (Algona)	WS	100	10-24-94
Oxford, City of	WS	100	10-25-94
Pioneer, City of	WS	100	10-26-94
Paul L. Dunkel (Delaware Co.)	SW	1,500	11-09-94
*Dale Hall d/b/a Hall Oil Co. (Des Moines)	UT	250	11-15-94
DBM, Inc. (Cedar Falls)	AQ	10,000	11-30-94
Donald K. Schmidt (Cedar Rapids)	UT	3,000	12-27-94
Collier Oil Co.; Clark Concrete Co. (Onawa)	UT	3,300	1-22-95
*Waste Management & Design, Inc. (Webster City)	WW	5,860	3-10-95
	WW	350	2-23-95

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Rome, City of			
*Fine Oil Co.; John and Diane Fine (Appanoose Co.)	AQ/HC/WW	1,500	3-23-95
*Phil McMains (Appanoose Co.)	SW	1,200	3-24-95
Paul Underwood d/b/a Underwood Excavating (Cedar Rapids)	AQ	4,000	3-24-95
North Coralville Lake Manor (Solon)	WS	450	3-26-95
Swiss Valley Farms (Dubuque)	AQ	5,000	3-27-95
Curry Environmental Services (Dubuque)	AQ	6,000	3-27-95
Galva, City of	WS	1,000	4-06-95
Rose Acre Farms, Inc. (Guthrie Co.)	WW	5,000	4-10-95
Fairfield, City of	AQ	1,000	4-15-95
Edward Bodenstainer (Des Moines)	UT	3,200	-----
Plantation Village Mobile Home Park (Burlington)	WW	1,000	-----
William R. Hennessey & Son, Inc. (Cedar Rapids)	UT	2,670	-----
Ron Mumby (Iowa Co.)	SW	2,000	-----
Lloyd Dalsing (Dubuque)	AQ	5,000	-----
Randy Ballard (Fayette Co.)	FP	2,000	-----
TOTAL		109,155	

The following cases have been referred to the Attorney General:

NAME/LOCATION	PROGRAM	AMOUNT	DUE DATE
OK Lounge (Marion)	WS	448	11-01-87
Richard Davis (Albia)	SW	1,000	2-28-88
Eagle Wrecking Co. (Pottawattamie Co.)	SW	300	5-07-89
*Twelve Mile House (Bernard)	WS	119	5-20-89
*Lawrence Payne (Ottumwa)	SW	425	6-19-89
William L. Bown (Marshalltown)	SW	1,000	10-01-89
Wellendorf Trust (Algona)	AQ/SW	460	2-12-90
Donald P. Ervin (Ft. Dodge)	SW	669	3-05-90
Gerald G. Pregler (Dubuque Co.)	SW	1,000	9-02-90
Donald R. Null (Clinton Co.)	AQ/SW	1,000	9-06-90
Robert and Sally Shelley (Guthrie Center)	SW	1,000	3-04-91
Fred Varner (Worth Co.)	SW	950	4-11-91
Honey Creek Camping Resort (Crescent)	WS	245	6-13-91
F.R. Thomas/F.R. Thomas, Jr. d/b/a Clair View Acres Store (Delhi)	WS	1,000	8-04-91
*M & W Mobile Home Park (Muscatine)	WW	200	8-21-91
Vern Starling (Boone Co.)	SW	440	9-15-91
Lloyd Dunton (Iowa Co.)	SW	300	11-07-91
Vernus Wunschel d/b/a Wunschel Oil (Ida Grove)	UT	300	1-12-92
Kenneth Bode (Mills Co.)	SW	300	4-27-92
V.R. Dillingham d/b/a Barb's Service (Everly)	UT	600	5-21-92
Tandem Oak Park Associates (Ft. Dodge)	WS	405	6-03-92
Dick White (Washington County)	AQ	250	8-15-92
Rankin Roofing & Siding Co. (Knoxville)	AQ	500	11-09-92
Tony Hoyt d/b/a Lake Wilderness (Lee Co.)	SW	1,000	1-23-93
Bernard Gavin Veterinary Clinic (Wellsburg)	UT	600	5-02-92
Tim Sharp (Newton)	UT	1,000	1-25-93
Jack Link Truck Line, Inc. (Dyersville)	UT	300	1-25-93
David Young d/b/a Sierp Oil Co. (Casey)	UT	300	2-10-93
Carson Grain & Implement (Coggon)	UT	1,000	8-03-92
Robert Bodwell (Winterset)	UT	300	7-07-93
Louis Saak d/b/a Saak Oil Co. (Baxter)	UT	1,560	12-25-93
Smith Oil Co.; Franklin Smith (Mt. Ayr)	UT	600	3-31-94
Jay Browns d/b/a Browns Service (Murray)	UT	1,272	4-04-94
Verna and Don Reed; Andrea Silsby (Union Co.)	SW	1,000	4-07-94
Economy Solar Corp. (Monticello)	AQ	100	6-01-94
Buffalo Bill Estates, Inc. (Clinton Co.)	WS	1,000	6-18-94
McCarty Homeowners Assn. (LeClaire)	WS	275	8-20-94
Rayburn Court for Mobile Homes (Mason City)	WS	375	9-29-94
Trust Trucking Corp.; Jim and Brenda Huyser (Lovilia)	UT	840	11-01-94
Wunschel Oil, et.al. (Battle Creek)	UT	6,400	11-08-94
TOTAL		30,833	

The following administrative penalties have been appealed:

NAME/LOCATION	PROGRAM	AMOUNT
Des Moines, City of	HC	1,000
Van Dusen Airport Services (Des Moines)	HC	1,000
Joe Eggers, Jr., et.al. (St. Ansgar)	SW	1,000
McDowell Dam #1 (Lee Co.)	FP	500
Hickory Hollow Water Co. (Ankeny)	WS	400
Wayne Transportation, Inc. (Greene)	WW	1,000
Mulgrew Oil Company (Dubuque)	HC	500
John Staub d/b/a Mr. Convenient (Burlington)	UT	600
Charles Kerr (Sloan)	UT	600
Stringtown Country Cafe (Lenox)	WS	1,000
Lincoln Farm and Home Service (Henderson)	WW	1,000
Chickasaw Co. SLF, et.al. (Chickasaw Co.)	SW	1,000
Plymouth Cooperative Oil Co. (Hinton)	WW	1,000
LaVerne Rehder (Union)	UT	300
Randy Bonin/Vickie Brannick (Hardin Co.)	SW	500
Dean Hoeness d/b/a Hoeness & Sons (Winterset)	UT	300
Decatur, City of	UT	600
King's Terrace Mobile Home Court (Ames)	WW	500
ITWC, Inc. (Malcom)	AQ	1,000
Lloyd Decker (Floyd Co.)	SW	1,000
Eldon Krambeck (Scott Co.)	AQ	1,000
Waucoma, City of	WS	200
Tracy Below (Hardin Co.)	WW	1,000
Grand Laboratories, Inc. (Larchwood)	WW	1,000
Frank Hulshizer (Benton Co.)	SW	500
Chicago/Northwestern Transp. Co. (Council Bluffs)	HC	1,000
Pirelli Armstrong Tire Corp. (Polk Co.)	SW	1,000
TRS Industries, Inc.; City of Des Moines (Des Moines)	SW	3,000
Land Renu, Inc. (Rockwell City)	SW	1,000
LeMars, City of	WW	5,000
Crane Co. d/b/a Crane Valves (Washington Co.)	SW	500

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Karl and Thelma Boylan d/b/a Boylan's Service (Northboro)	UT	1,800
Thomas M. Scheetz d/b/a The Depot Food N' Fuel (Oxford)	UT	2,300
William Jensen d/b/a B & B Tire & Oil Co. (Avoca)	UT	2,300
Riverview Estates (Iowa City)	WS	275
Crabtree Lake Resort (Rhodes)	WW	5,400
Elmer R. Faust d/b/a Faust Garage & Grocery (Delaware)	UT	2,300
Rome, City of	WS	550
American Coals Corporation-Site #5 (Bussey)	SW/AQ	10,000
H.E.W., Inc. a/k/a Hazardous Environmental Wastes, Inc., a/k/a Algona Roofing & Insulation, Inc. (Algona)	AQ	5,000
Bankston, City of	WS	550
Wunschel Oil, et.al. (Ida Grove)	UT	10,000
David Schultz (Clayton Co.)	WW	2,000
Burke Marketing Corporation (Nevada)	WW	5,000
Chicago & North Western Transportation Co. (Clay Co.)	WW/SW	10,000
Jim Foust (Indianola)	SW	2,175
Titan Wheel International, Inc. (Walcott)	WW	10,000
Ronald Sizemore and Mark Murphy (Eldora)	UT	3,200
First United Methodist Church (Ft. Madison)	AQ	10,000
Mike Murphy d/b/a Hawley Heating & Air (Keokuk)	AQ	10,000
Boomsma's Egg, Inc. (Alden/Galt)	AQ	10,000
Boomsma's, Inc. (Alden)	WW	2,500
A.J. DeCoster (Wright Co.)	AQ	1,000
A.J. DeCoster (Wright Co.)	WW	2,500
George Dolan (Northwood)	UT	3,300
Chuck Widner, Jr. d/b/a E.D.O., Inc. (Glidden)	AQ	2,000
Woodbury County Highway Department (Woodbury Co.)	UT	4,000
Keith Owens and Howard Maurer (Wilton)	UT	3,100
Twin View Heights (Solon)	WS	500
Tom Babinat d/b/a Tom's Car Care (Grundy Center)	UT	3,600
Welch Oil, Inc. (Williams)	UT	10,000
Richard Beckett (Villisca)	UT	1,300
Bork Transport, Inc. (Des Moines)	UT	1,000
Gilmore City-Bradgate Comm. School Dist. (Gilmore City)	AQ	6,000
Henry and Randy Krohn d/b/a Krohn Const. (Waukee)	AQ/SW	4,000
Donald Udell (Plymouth Co.)	SW	1,000
Daisy H. Gridley Conservatorship, et.al. (Union Co.)	SW	1,000
Mel-Ray Mobile Home Park (Ankeny)	WW	500
Thomas L. Burt, et. al. (Butler Co.)	SW	1,000
Oakwood Park Water, Inc. (Ankeny)	WS	1,000
U.S. Dept. of Defense (Sioux City)	UT	5,720
Blue Spruce Feedlots, Inc. (Pottawattamie Co.)	WW	5,000
Valley Restaurant/Sierp Oil/Mary & Carl Sierp (Villisca)	UT	5,000
Valley Restaurant/Sierp Oil/Robert Radford (Villisca)	UT	2,300
Orlo Stewart, et.al. (Webster Co.)	SW	1,000
J.P. Scherrman, Inc. (Farley)	UT	1,160
Walnut Grove Water Company (Davenport)	WS	2,000
Lester D. Davis & Evelyn McKelvogue (Warren Co.)	AQ/SW	5,000
Waverly Gravel & Ready-Mix aka Shell Rock Sand & Gravel (Shell Rock)	AQ	3,000
Anderson Excavating & Wrecking Co. (Waterloo)	AQ	1,000
Farmers Hybrid Companies, Inc. (Keokuk Co.)	WW	3,500
L.F. & Betty Everett; Vern Barker & Donald Knotts, d/b/a Barker & Knotts Construction; and Gene Phillips (Ottumwa)	AQ	10,000
Eli Shada (Anamosa)	UT	1,328
James and Robert Brock d/b/a B & B Oil (Ringsted)	UT	1,685
M and D Tire Processing, Inc. (Decatur Co.)	SW	10,000
Merrill, City of	AQ	5,000
Harold Lee (Keokuk Co.)	WW	3,300
Riverside Plating Company (Shell Rock)	WW	1,500
Economy Solar Corp. (Monticello)	AQ	5,000
Toys "R" Us, Inc. (Davenport)	UT	5,560
Coastal Mart, Inc.-Store #1081 (Davenport)	UT	5,320
John Deere Company (Waterloo)	AQ	1,000
Enviro Safe Air, Inc. (Sioux City)	AQ	2,000
Parkwest, Ltd.; Wilbur Numelin; Ricky Lee Anderson (Clear Lake)	UT	2,280
Country Stores of Carroll, Ltd.; Roger Kanne (Carroll)	UT	10,000
Elite, Ltd.; Roger Kanne; James Pietig (Coon Rapids)	UT	3,500
Elite, Ltd.; Roger Kanne; James Pietig (Logan)	UT	3,288
HiWay Texaco, Ltd.; Roger Kanne; Rick Kanne (Bagley)	UT	5,000
Arlo Becker d/b/a Becker's Auto Salvage (Benton Co.)	AQ	3,000
Galva Union Elevator Co. (Galva)	UT	3,100
Farmers Hybrid Companies, Inc. (Hamilton Co.)	WW	4,000
Sara Lee Corporation (New Hampton)	WW	10,000
Creston, City of	WW	1,000
New Hampton, City of	WW	10,000
Joseph L. Ranker; Daryl Hollingsworth (Indianola)	UT	4,000
Larry and Kelly Miller (Ogden)	UT	2,000
K-Mart Corporation/Store #7261 (Des Moines)	UT	6,000
R.D.J. Farms; Donald Vogt (Van Horne)	UT	1,300
Home Oil Stations; Otto-Matic; Larence Otto (Burlington)	UT	3,000
Winfield S. McKinney; Gary L. McKinney (Union Co.)	WW	1,000
Pella Construction Co., Ltd. (Pella)	WW	10,000
Tom Wiseman (Sheffield)	UT	3,500
Woodlyn Hills (Algona)	WS	275
Lakewood Utilities (Ft. Dodge)	WS	550
Village Oaks Homeowners Assn. (Blue Grass)	WS	550
South High Point Well Assn. #2 (Iowa City)	WS	110
Kessler's Homeowners Assn. (Iowa City)	WS	275
Iowa City Regency Mobile Home Park (Iowa City)	WS	1,000
Woodburn, City of	WS	550
Cherry Hills Homeowners Assn. (Iowa City)	WS	275
Edinburgh Manor (Anamosa)	WS	200
Windy Ridge Well Assn. (Lisbon)	WS	110

James and Roxann Neneman; J & R Mini Mart (Council Bluffs)	UT	3,900
Simonsen Industries, Inc. (Cherokee Co.)	WW	5,000
Hubert Vote d/b/a Vote House Moving (Gilmore City)	AQ	6,000
Allan Brandhoij d/b/a Brandhoij Const. (Gilmore City)	AQ	6,000
Michael J. Reding (Kossuth Co.)	WW	4,500
Sherman Place Water & Roads, Inc. (Decorah)	WS	650
Dennis Sharkey d/b/a Sharkey Bldg. Wrecking (Dubuque)	AQ	6,000
Irvin Leichity (Henry County)	WW	2,500
Richard Waugh d/b/a Dick's Apco Car Wash (Hampton)	UT	885
Sale-R-Villa Const., Inc. (Perry)	AQ	10,000
Woden-Crystal Lake Comm. School District (Crystal Lake)	AQ	10,000
TOTAL		413,821

The following administrative penalties were paid last month:

NAME/LOCATION	PROGRAM	AMOUNT
Dubuque, City of (STIPULATED PENALTY)	WW	2,100
Pleasant Creek Estates Assn. (Shellsburg)	WS	100
Eagle Lane Corporation (Blue Grass)	WS	50
Louis Rich Company (Sigourney)	WS	100
Kalo Well Company (Otho)	WS	50
Dubuque, City of (STIPULATED PENALTY)	WW	4,600
Porcine-New Way Co.	WW	2,000
Farmers Hybrid Companies, Inc. (Keokuk Co.)	WW	1,000
Farmers Hybrid Companies, Inc. (Hamilton Co.)	WW	1,000
*Fine Oil Co.; John and Diane Fine (Appanoose Co.)	AQ/HC/WW	500
Woodburn, City of	WS	100
*Waste Management & Design, Inc. (Webster City)	WW	720
Sioux City, City of	WW	400
*Phil McMains (Appanoose Co.)	SW	600
TOTAL		13,320

The \$1,000 penalty assessed to the City of Pacific Junction has been rescinded.

*Payment Schedule

**DEPARTMENT OF NATURAL RESOURCES
ENVIRONMENTAL PROTECTION COMMISSION
ATTORNEY GENERAL REFERRALS
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Name, Location and Region Number	Program	Alleged Violation	DNR Action	New or Updated Status	Date
AMPC Lytton (3)	Wastewater	Operational Violations	Referred to Attorney General	Referred	8/10/94
Achenbach, Mark Rockford (2)	Underground Tank	Site Assessment	Order	Referred Petition Filed	6/20/94 8/22/94
Advanced Technologies Corp. Cedar Falls (1)	Air Quality	Asbestos	Referred to Attorney General	Referred Petition Filed	3/21/94 8/29/94
American Asbestos Training Center, Ltd. Monticello (3)	Air Quality	Asbestos	Referred to Attorney General	Referred Petition Filed	3/21/94 8/29/94
American Asbestos Training Center, Ltd. Cedar Rapids (1)	Air Quality	Asbestos	Referred to Attorney General	Referred Petition Filed	7/22/94 8/29/94
Ampel Corporation Des Moines (5)	Air Quality	Construction Without Permit Permit Conditions	Referred to Attorney General	Referred Petition Filed Motion for Partial Summary Judgment DNR Motion to Disqualify Attorney Hearing Ruling/Defense Attorney Disqualified Trial Date	12/20/93 2/21/94 9/02/94 10/18/94 11/18/94 12/06/94 3/20/95

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DEPARTMENT OF NATURAL RESOURCES ENVIRONMENTAL PROTECTION COMMISSION ATTORNEY GENERAL REFERRALS March 1, 1995

Name, Location and Region Number		Program	Alleged Violation	DNR Action	New or Updated Status	Date
Bodwell, Robert Winterset (5)	Updated	Underground Tank	Site Assessment	Order/Penalty	Referred Petition Filed Trial Date	2/21/94 7/21/94 7/11/95
Browns, Jay Murray (5)		Underground Tank	Site Assessment	Order/Penalty	Referred Petition Filed Trial Date	6/20/94 8/24/94 4/11/95
Buffalo Bill Estates Clinton Co. (6)		Drinking Water	Monitoring/Repoting MCL - Bacteria	Order/Penalty	Referred Petition Filed	8/15/94 11/16/94
Chicago & Northwestern Transportation Co.		Hazardous Condition	Remedial Action	Order	Petition for Judicial Review Petition for Judicial Review Petition for Judicial Review Order/Change Venue to Hardin Co. Oral Arguments Order Affirmed Supreme Court Appeals Filed Oral Arguments	8/19/91 8/14/91 9/16/91 11/21/91 3/10/93 4/23/93 5/23/93 9/15/94
Blue Chip Enterprises						
Hawkeye Land Company Iowa Falls (2)						
Cota Industries, Inc. Des Moines (5)		Hazardous Condition	Remedial Action	Order	Referred Petition for Judicial Review Order Granting Motion to Dismiss Notice of Appeal Affirmed by Supreme Court Petition Filed Motion for Default Judgment Motion for Summary Judgment Hearing on Motions	4/15/91 4/18/91 7/23/91 8/13/91 10/21/92 4/16/93 12/02/94 12/02/94 1/06/95
Des Moines, City of (5) v. IDNR		Solid Waste	DNR Defendant	Defense	Petition Filed Application for Stay DNR Answer	1/18/94 1/18/94 2/08/94
Dunton, Lloyd Iowa County (6)	Updated	Solid Waste	Illegal Disp.	Order/Penalty	Referred Petition Filed Dismissed	12/16/91 8/26/92 1/10/95
Economy Solar Corp. Ft. Madison (6)		Air Quality	Asbestos	Referred to Attorney General	Referred Petition Filed	3/21/94 8/29/94
Economy Solar Corp. Waterloo (1)		Air Quality	Asbestos	Referred to Attorney General	Referred Petition Filed	3/21/94 8/29/94
Economy Solar Corp. Cedar Rapids (1)		Air Quality	Asbestos	Referred to Attorney General	Referred Petition Filed	7/22/94 8/29/94
Ervin, Don Webster County (2)		Solid Waste	Operation Without Permit	Order/Penalty	Referred Judgment for \$1,000 Execution & Order to Levy Application to Condemn Funds Partial Payment Received (\$331)	4/16/90 7/13/90 9/28/90 11/27/90 11/30/90
			Permit Violations	Referred to Attorney General	Referred Temporary Injunction Order of Contempt Order Granting Stay Contempt Reversed (Court of Appeals) Application for Further Review Supreme Ct. Reversed Ct of Appeals Order to Serve Sentence Application for Hearing Order Denying Reconsideration of Sentence Partial Consent Decree Trial Date	9/16/91 9/18/91 12/20/91 12/26/91 9/29/92 10/16/92 2/17/93 3/17/93 3/18/93 3/19/93 1/10/95 3/17/95
Giese, William Giese Construction Co. Ft. Dodge (2)	Updated	Flood Plain Wastewater	Unauth. Construction Prohibited Discharge	Referred to Attorney General	Referred Petition Filed Trial Date	7/18/94 10/12/94 10/24/95
Harrison County Board of Supervisors (4)		Solid Waste	Operating Violations	Referred to Attorney General	Referred Petition Filed	2/21/94 7/11/94

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Name, Location and Region Number		Program	Alleged Violation	DNR Action	New or Updated Status	Date
Huyser, James; Trust Trucking Lovilia (5)		Underground Tank	Site Assessment	Referred to Attorney General	Referred	11/21/94
Ida County Board of Supervisors Ida County (3)	Updated	Solid Waste	Permit Conditions	Referred to Attorney General	Referred Returned to DNR for Admin. Order	1/17/95 2/17/95
International Hydroform Pella (5)	Updated	Underground Tank	Remedial Action	Order	Referred Petition Filed Trial Date	5/17/93 1/18/94 4/04/95
Jack Link Truck Line, Inc. Dyersville (1)	Updated	Underground Tank	Closure Investigation	Order/Penalty	Referred Petition Filed Trial Date	5/17/93 1/07/94 3/22/95
Jarvis, Marjorie and Terry Strong Council Bluffs (4)		Underground Tank	Closure Investigation	Order	Referred Petition Filed	11/15/93 2/14/94
Martínez, Vincent d/b/a Martínez Sewer Service Davenport (6)		Hazardous Condition	Remedial Action	Order/Penalty	Referred Petition Filed Partial Default Judgment (Injunction)	2/17/92 12/21/92 10/11/94
McCarty Creek Homeowners LeClaire (6)		Drinking Water	Monitoring/Reporting- Lead & Copper	Order/Penalty	Referred	10/17/94
Bob McKiniss Excavating & Grading v. IDNR	Updated	Hazardous Condition	DNR Defendant	Defense	Suit Filed DNR Motion to Dismiss Ruling on Motion to Dismiss and Bifurcation Ruling on Phase I Trial Dismissal of DNR	3/12/91 5/01/91 3/26/92 9/01/93 1/31/95
Moore, Ron d/b/a 63-180 Cafe Malcom (5)		Drinking Water	Mtrg/Rprtng Nitrate; Other	Order/Penalty	Referred Payment Schedule (\$1,000/Admin.) Motion for Judgment	11/16/92 4/02/93 6/30/94
Northwood Cooperative Elevator; Worth Co. Co-op Oil Amoco v. IDNR		Hazardous Condition	DNR Defendant	Defense	Suit Filed DNR Answer Consolidation Order 215.1 Order Suit Filed DNR Answer Consolidation Order 215.1 Order Suit Filed DNR Answer Consolidation Order 215.1 Order	12/07/92 12/28/92 1/05/93 12/22/94 12/07/93 12/28/92 3/10/93 12/22/94 12/15/92 1/04/93 3/10/93 12/22/94
Rayburn Court for Mobile Homes Mason City (2)		Drinking Water	Monitoring/Reporting; Lead & Copper	Order/Penalty	Referred	11/21/94
Reed, Verna and Don; Andrea Silsby Union Co. (4)		Solid Waste	Illegal Disposal	Order/Penalty	Referred Petition Filed Default Judgment	6/20/94 8/10/94 12/12/94
Relative, Inc ; Doug Smuck Des Moines (5)		Underground Tank	Insurance Violation	Order/Penalty	Referred	10/17/94
Pruess, Harlan Cedar Co. (6)		Hazardous Condition	Clean-Up Costs	Defense	Suit Filed DNR Answer	7/27/93 8/13/93
Saak, Louis d/b/a Saak Oil Co. Baxter (5)	Updated	Underground Tank	Site Assessment	Order/Penalty	Referred Petition Filed Trial Date	3/21/94 9/08/94 4/25/95
Smith, Franklin; Smith Oil Company Mt. Ayr (5)		Underground Tank	Closure Investigation	Order/Penalty	Referred Petition Filed Trial Date	4/18/94 7/25/94 5/16/95

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ENVIRONMENTAL PROTECTION COMMISSION
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Name, Location and Region Number	Program	Alleged Violation	DNR Action	New or Updated Status	Date
Soldat, Mark S. Kossuth Co (2) vs. IDNR	Wastewater	DNR Defendant	Defense	Suit Filed Petitioner's Motion for Partial Summary Judgment Answer Hearing Date Ruling Order Implementing Ruling Motion Raising Jurisdiction Question Petition for Certiorari	9/16/94 10/06/94 10/20/94 10/31/94 11/03/94 12/23/94 1/20/95 1/23/95
Troutman, Jerry L. & Richard Van Buren Co. (6)	Solid Waste	Illegal Disposal	Order	Referred Petition Filed	10/18/93 2/15/94
Waterloo, City of (1)	Updated Wastewater	Discharge Limits	Referred to Attorney General	Referred Petition Filed Motion for Partial Summary Judgment	11/15/93 12/30/93 1/27/95
Waterloo Community School District Waterloo (1)	Air Quality	Asbestos	Referred to Attorney General	Referred Petition Filed	3/21/94 8/29/94
Wunschel Oil Co.; Vernus, Jaquelyn & Mark Wunschel Ida Grove (3)	Tank	Underground Site Assessment	Order/Penalty	Referred	1/17/95
Young, David Sierp Oil Company Casey (5)	Underground Tank	Closure Investigation	Order/Penalty	Referred Petition Filed	5/17/93 12/14/93

**DEPARTMENT OF NATURAL RESOURCES
ENVIRONMENTAL PROTECTION COMMISSION
CONTESTED CASES
March 1, 1995**

DATE RECEIVED	NAME OF CASE	ACTION APPEALED	PROGRAM	ASSIGNED TO	STATUS
1-23-86	Oelwein Soil Service	Administrative Order	WW	Murphy	Hearing continued; additional testing being done.
2-05-88	Warren County Brenton Bank	Administrative Order	UT	Wornson	Awaiting revised SCR.
10-20-88	Worth Co. Co-Op Oil Northwood Cooperative Elevator Sunray Refining and Marketing Co.	Administrative Order	HC	Murphy	Ruling on dismissal/intervention 11/16/92. Petition for Judicial Review. Judicial review hearing continued.
6-08-89	Shaver Road Investments	Site Registry	HW	Murphy	Settlement proposed.
6-08-89	Hawkeye Rubber Mfg. Co.	Site Registry	HW	Murphy	Settlement proposed.
6-08-89	Lehigh Portland Cement Co.	Site Registry	HW	Murphy	Hearing continued. Discovery initiated.
6-22-89	Chicago & Northwestern Transportation Co. Hawkeye Land Co. Blue Chip Enterprises	Administrative Order	HC	Murphy	District court affirms Dept. - 4/23/93. Appealed to Iowa Supreme Court. Arguments - 9/15/94.
10-24-89	Farmers Cooperative Elevator Association of Sheldon	Site Registry	HC	Murphy	Settlement near.
11-03-89	Bridgestone/Firestone, Inc.	Site Registry	HC	Murphy	Hearing continued pending negotiations.
5-08-90	Texaco Inc./Chemplex Co. Site	Site Registry	HW	-----	Settlement proposed.
5-14-90	Van Dusen Airport Services	Administrative Order	HC	-----	Compliance initiated.

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5-14-90	Alter Trading Corp. (Council Bluffs)	Administrative Order	SW	Kennedy	Negotiating before filing.
5-15-90	Des Moines, City of	Administrative Order	HC	-----	Hearing continued. Settlement proposed.
6-20-90	Des Moines, City of	NPDES Permit Cond.	WM	Hansen	EPD met with City to resolve appeal issues. Follow-up meeting to be held.
7-02-90	Keokuk Savings Bank and Trust Keokuk Coal Gas Site	Site Registry	HW	-----	Hearing continued.
7-30-90	Key City Coal Gas Site; & Howard Pixler	Site Registry	HW	-----	Decision appealed (Pixler).
8-01-90	J.I. Case Company	Site Registry	HW	Preziosi	Hearing continued.
9-12-90	Michael & Joyce Haws; George H. Gronau	Administrative Order	UT	Wornson	New party has assumed liability. Will dismiss case upon completion of SCR.
10-15-90	Westside General Store Corp.	Administrative Order	UT	Wornson	Settlement letter sent to attorney.
10-18-90	Harlan Pruess	Claim	HC	Murphy	Proposed decision - 2/18/93. Appealed to EPC. Affirmed/modified - 6/21/93. Appealed to Cedar County District Court.
12-03-90	United States Gypsum Co. Smitty's Oil	Site Registry	HC	Preziosi	Negotiating before filing.
12-27-90	McAtee Tire Service, Inc.	Administrative Order	SW	Kennedy	Hearing continued.
1-07-91	Joe E. Eggers, Jr.; Joe and Mary Eggers	Administrative Order	SW	Kennedy	Hearing continued to further order.
1-09-91	Iowa Southern Utilities	Administrative Order	HC	Preziosi	Hearing continued indefinitely. Working towards settlement.
1-28-91	McDowell Dam #1	Administrative Order	FP	Clark	Negotiating before filing.
5-20-91	Great Rivers Coop--Lockridge	Site Registry	HC	Murphy	Settlement proposed.
7-24-91	Alter Trading Corp. (Davenport)	Administrative Order	SW	Kennedy	Negotiating before filing.
9-25-91	Archer Daniels Midland	Administrative Order	SW	Kennedy	Negotiating before filing.
1-17-92	Hickory Hollow Water Co.	Administrative Order	WS	Hansen	Settlement offer to WS. Counter offer 7/13/93. Dept. response on 8/3/93. Facility response 8/11/93. 12/93 Dept. letter to attorney. Construction permit issued for fluoride removal. Facility to be installed by 10/30/94.
1-30-92	Center Oil Co., Inc.	Administrative Order	HC	Murphy	Negotiating before filing.
4-09-92	Wayne Transports, Inc.	Administrative Order	WM	Murphy	Negotiating before filing.
4-15-92	Mulgrew Oil Co.	Administrative Order	HC	Wornson	Settlement letter sent 8/31/94. SCR initiated.
4-24-92	Charles A. Kerr	Administrative Order	UT	Wornson	Financial inability claimed. Warning letter sent 1/25/95.
5-05-92	Plymouth Cooperative Oil Co.	Administrative Order	WM	Murphy	Negotiating before filing.
5-12-92	Paris & Sons, Inc.	Site Registry	HC	Murphy	Negotiating before filing.
5-15-92	Heartland Lysine, Inc.	Tax Certification	AQ	Preziosi	Negotiating before filing.
5-27-92	Beckett Chevrolet-Olds	Administrative Order	UT	Wornson	Financial inability claimed. Claimant completing financial documents.
6-23-92	Chickasaw County Board of Supervisors, Chickasaw Co. SLF	Administrative Order	SW	Kennedy	Negotiating before filing.

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8-06-92	Randy Bonin and Vickie Brannick	Administrative Order	SW	Kennedy	Negotiating before filing.
8-24-92	Dean Hoeness d/b/a Hoeness & Sons	Administrative Order	UT	Wornson	Financial inability claimed. Request documents.
9-21-92	ITWC	Administrative Order	AQ	Preziosi	Negotiating before filing.
9-22-92	King's Terrace MHP	Administrative Order	WW	Hansen	8/94-Letter to facility regarding resolution of appeal.
10-06-92	Lloyd Decker	Administrative Order	SW	Kennedy	Hearing set for 4/11/95.
10-12-92	Eldon Krambeck	Administrative Order	AQ	Preziosi	Settlement close.
11-13-92	Tracy Below	Administrative Order	WW	Clark	Hearing continued.
11-16-92	Grand Laboratories Inc.	Administrative Order	WW	Hansen	Unacceptable revised work plan submitted. Request acceptable plan by 4/29/94. Letter from facility's attorney 4/94. 5/94 letter to F.O. 3 from company regarding submittal of site assessment. 10/94 Letter to facility attorney regarding site assessment. 12/94 Letter from attorney - new work plan submitted to F.O. 3.
11-16-92	Frank Hulshizer	Administrative Order	SW	Kennedy	Negotiating before filing.
12-14-92	Quantum	Permit Conditions	WW	Hansen	3/30/93 Dept. settlement offer made. 5/03/93 - response from company. Company collecting data. Company response submitted 12/93. EPD to review information regarding permit calculations.
1-22-93	Pirelli Armstrong Tire Co.	Administrative Order	SW	Kennedy	Negotiating before filing.
2-19-93	TRS Industries, Inc.; City of Des Moines	Administrative Order	SW	Kennedy	Decision received 9/13/93. Appealed to EPC. Affirmed 12/20/93. Petition for judicial review.
3/09-93	James, William d/b/a Bill James Agencies	Administrative Order	SW	Kennedy	Negotiating before filing.
3/11/93	Land Renu, Inc.	Administrative Order	SW	Wornson	Compliance complete. Negotiating penalty.
4/05/93	Mapleton, City of	WW Operator Certification	WW	Hansen	Under review by EPD - letter drafted.
4/12/93	LeMars, City of	Administrative Order	WW	Hansen	Plan of action submitted. Reviewed by EPD. Construction permit issued. 2/94-Schedule submitted by City for remaining construction.
4/19/93	Council Bluffs, City of	Permit Conditions	WW	Hansen	Under review by EPD.
4/21/93	Donald Udell	Administrative Order	SW	Kennedy	Negotiating before filing.
4/26/93	Crane Co.	Administrative Order	SW	Kennedy	Negotiating before filing.
5/23/93	Fellmer Motors	Administrative Order	FP	Clark	Settlement close.
6/21/93	Jacobs Energy Corp., Inc.	Permit Denial	AQ	Preziosi	Negotiating before filing.
6/23/93	Clement Auto & Truck, Inc.	Administrative Order	UT	Wornson	On appeal to District Court. Compliance initiated.
6/29/93	Mel-Ray MHP and Sales	Administrative Order	WW	Clark	Negotiating before filing.
7/06/93 7/28/93	Dennis E. Good Berniece K. Nease	Administrative Order	UT	Wornson	Negotiating before filing.
7/09/93	Oakwood Park Water, Inc.	Administrative Order	WS	Hansen	Proposal by facility's attorney 7/13/93. Response by Dept. 8/3/93. Response by facility 8/11/93. 12/93 Dept. letter to attorney. Construction permit issued 2/94. Facility to be installed by 11/30/94.

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7/20/93	Valley Restaurant/Sierp Oil; Mary & Carl Wierp; and Robert Radford	Administrative Order	UT	Wornson	Settlement reached. Awaiting signatures.
7/20/93	U.S. Dept. of Defense	Administrative Order	UT	Wornson	Negotiating before filing.
7/23/93	Blue Spruce Feedlots, Inc.	Administrative Order	WW	Clark	Negotiating before filing.
8/03/93	Grain Processing Corp.	Administrative Order	AQ	Preziosi	Order rescinded.
8/06/93	Muscantine Power & Water	Administrative Order	AQ	Preziosi	Order rescinded.
8/06/93	Monsanto	Administrative Order	AQ	Preziosi	Settlement close. Drafting consent order.
8/24/93	Green Valley Chemical	Permit Conditions	WW	Hansen	Company to do stream survey 8/94. Survey completed. Meeting to discuss survey 9/11/94. Survey being reviewed by EPD.
9/09/93	Ames Transit Authority	Permit Conditions	AQ	Preziosi	Negotiating before filing.
10/15/93	Bedford, City of	Plant Classification	WW	Hansen	Under review by EPD.
10/25/93	Porcine-New Way Co.	Administrative Order	WW	Clark	Settled.
11/04/93	Silver City	Permit Conditions	WS	Clark	Settled.
11/15/93	J.P. Scherrman, Inc.	Administrative Order	UT	Wornson	Penalty letter sent.
11/16/93	Iowa Southern Utilities	Permit Conditions	AQ	Preziosi	Settlement close.
11/22/93	Walnut Grove Water Co.	Administrative Order	WS	Hansen	Settlement offer sent to company's attorney. Offer accepted. Consent order sent for signatures. 5/94 order issued to facility. 11/7/94 contract entered into for funding of project to upgrade. 12/94 - Additional funding authorized by City - project ready to go.
12/13/93	Lester R. Davis and Evelyn McKelvogue	Administrative Order	AQ/SW	Kennedy	Settlement pending.
12/23/93	Waverly Gravel & Ready-Mix aka Shell Rock Sand and Gravel	Administrative Order	AQ	Preziosi	Negotiating before filing.
1/03/94	Farmers Hybrid Co., Inc.	Administrative Order	WW	Clark	Negotiating before filing.
1/06/94	L.F. Everett and Betty Everett	Administrative Order	AQ	Preziosi	Negotiating before filing.
1/07/94	Eli Shada	Administrative Order	UT	Wornson	Negotiating before filing.
1/13/94	James and Robert Brock d/b/a B & B Oil Co.	Administrative Order	UT	Wornson	Settlement abandoned. Re-schedule for submittal of briefs.
1/18/94	M & D Tire Processing, Inc.	Administrative Order	SW	Kennedy	Settlement pending.
1/18/94	Merrill, City of	Administrative Order	AQ	Preziosi	Negotiating before filing.
1/19/94	Cottage Reserve Corp.	Permit Conditions	WS	Clark	Negotiating before filing.
1/20/94	Gene Phillips d/b/a Phillips Sanitation	Administrative Order	AQ	Preziosi	Negotiating before filing.
1/27/94	Archer-Daniels-Midland	Permit Conditions	AQ	Preziosi	Negotiating before filing.
2/02/94	John Deere Waterloo Works	Tax Certification	WW	Hansen	Negotiating before filing.
2/09/94	Harold Lee	Administrative Order	WW	Clark	Negotiating before filing.
2/14/94	Economy Solar Corp 94-AQ-04	Administrative Order	AQ	Preziosi	Petition for judicial review of agency action filed.
2/15/94	Riverside Plating	Administrative Order	WW	Hansen	Settlement offer received from company regarding penalty.

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2/21/94	Toys "R" Us	Administrative Order	UT	Wornson	Compliance initiated. Penalty appealed.
2/25/94	John Deere Waterloo Works	Administrative Order	AQ	Preziosi	Settlement close.
2/28/94	Coastal Mart Davenport	Administrative Order	UT	Wornson	Deficient SCR. Letter sent. Penalty on appeal.
3/01/94	Parkwest Ltd.; Witbur Numetin; Ricky Lee Anderson	Administrative Order	UT	Wornson	Settlement. Awaiting signatures.
3/01/94	Enviro Safe Air, Inc.	Administrative Order	AQ	Preziosi	Settlement close.
3/03/94	Burlington Northern Railroad	Tax Certification	WM	Hansen	Negotiating before filing.
3/08/94	Country Stores of Carroll, Ltd.; Elite Ltd.; Roger Kanne; James Pietig (Logan) (Coon Rapids)	Administrative Order	UT	Wornson	All SCRs received- negotiating penalty.
3/17/94	Arlo Becker d/b/a Becker's Auto Salvage	Administrative Order	AQ	Kennedy	Settlement pending.
4/19/94	Galva Union Elevator Co.	Administrative Order	UT	Wornson	Negotiating penalty.
5/09/94	Sara Lee Corporation	Administrative Order	WM	Murphy	Negotiating before filing.
5/09/94	Farmers Hybrid Co., Inc.	Administrative Order	WM	Clark	Negotiating before filing.
5/11/94	Creston, City of	Administrative Order	WM	Hansen	2/28/95 letter to City regarding appeal.
5/19/94	New Hampton, City of	Administrative Order	WM	Murphy	Negotiating before filing.
5/23/94	Newton, City of; Leland C. Faidley; Robert & Lynn Van Maaren; Doyle Churchill; Lucille Loar; Melburn & Jayne Clymer	Permit Issuance	FP	Clark	Proposed decision 1/31/95.
5/27/94	Joseph L. Ranker; Darl Hollingsworth	Administrative Order	UT	Wornson	Demand letter before DIA referral.
6/03/94	Maquoketa, City of	Administrative Order	WM	Hansen	11/4/94 Construction permit issued to facility for new facilit. Construction to begin immediately and be completed by summer of 1995.
6/08/94	Larry & Kelly Miller	Administrative Order	UT	Wornson	Compliance initiated.
6/14/94	K-Mart Corp./Store #7261	Administrative Order	UT	Wornson	Compliance initiated.
6/15/94	Winfield Scott McKinney; Gary L. McKinney d/b/a Harmony Creek Farms	Administrative Order	WM	Hansen	Hearing set for 3/21/95.
6/15/94	Lakeview Heights	Permit Conditions	WS	Hansen	Facility proposal under review by WS.
6/20/94	R.D.J. Farms and Donald Vogt	Administrative Order	UT	Wornson	Compliance initiated.
6/24/94	Griffith Oil Corp.	Administrative Order	UT	Wornson	Compliance initiated.
6/24/94	Larence Otto	Administrative Order	UT	Wornson	Compliance initiated.
6/28/94	Woodburn, City of	Administrative Order	WS	Hansen	Penalty paid. Settled.
7/01/94	Pella Construction Co.	Administrative Order	WM	Hansen	Hearing set for 4/24/95.

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7/05/94	Iowa City Regency MHP	Administrative Order	WS	Clark	Negotiating before filing.
7/07/94	Rose Bar Tire Shredding	Administrative Order	SW	Kennedy	In bankruptcy.
7/12/94	Woodlyn Hills	Administrative Order	WS	Hansen	2/3/95-Letter to water supply regarding appeal. 2/20/95-Response - compliance initiated.
7/12/94	Tom Wiseman	Administrative Order	UT	Wornson	New case. Appeal untimely.
7/15/94	Village Oaks Homeowners	Administrative Order	WS	Hansen	Negotiating before filing.
7/18/94	Yiri Li	GW Professional Denial	UT	Wornson	Negotiating settlement.
7/19/94	Lakewood Utilities	Administrative Order	WS	Clark	Negotiating before filing.
7/20/94	Pleasant Creek Estates	Administrative Order	WS	Hansen	Penalty paid. Settled.
7/21/94	Hickory Hills Subdivision	Administrative Order	WS	Hansen	Negotiating before filing.
7/25/94	South High Point Well #2	Administrative Order	WS	Clark	Negotiating before filing.
7/25/94	Louis Rich Co.	Administrative Order	WS	Hansen	Penalty paid. Settled.
7/25/94	Kesslers Homeowners Assn.	Administrative Order	WS	Clark	Negotiating before filing.
7/25/94	Riverview Estates	Administrative Order	WS	Hansen	Negotiating before filing.
7/25/94	ACC Chemical Co. Getty Chemical Co.	Permit Conditions	WM	Hansen	Hearing continued to 7/95 at facility's request.
7/27/94	Twin View Heights 5282301	Administrative Order	WS	Hansen	11/14/94 Letter to facility regarding settlement. 12/94 Response from facility - working toward compliance.
8/09/94	Cherry Hills Subdivision	Administrative Order	WS	Clark	Negotiating before filing.
8/10/94	Edinburgh Manor	Administrative Order	WS	Clark	Negotiating before filing.
8/12/94	Windy Ridge Well Assn.	Administrative Order	WS	Clark	Negotiating before filing.
8/12/94	Karl and Thelma Boylan d/b/a Boylan's Service	Administrative Order	UT	Wornson	Attorney withdrew. Refer to DIA.
8/18/94	Thomas Scheetz d/b/a The Depot Food & Fuel	Administrative Order	UT	Wornson	Negotiating before filing.
8/29/94	Atlantic, City of	Administrative Order	WM	Hansen	Under review by EPD.
8/29/94	B and B Tire and Oil	Administrative Order	UT	Wornson	Negotiating before filing.
8/30/94	HWH Corporation	Permit Denial	AQ	Preziosi	Negotiating before filing.
9/01/94	Elmer R. Faust d/b/a Faust Garage & Grocery	Administrative Order	UT	Wornson	Compliance initiated.
9/02/94	Crabtree Lake Resort	Administrative Order	WM	Hansen	Compliance with AO initiated.
9/02/94	Jay Anderberg; Diane McKellip	Administrative Order	UT	Wornson	Brief submitted.
9/06/94	HEW, inc.	Administrative Order	AQ	Preziosi	Negotiating before filing.
9/09/94	American Coals Corp.	Administrative Order	SW/AQ	Kennedy	Bankruptcy filed.
9/12/94	Rome Water Supply	Administrative Order	WS	Clark	Settlement close.
9/12/94	Charles Morrison; Bill Hinon; Marie Hirman; Robert Bennett, et.al.	Permit Issuance	FP	Clark	Default judgment 2/7/95.

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9/15/94	David L. Schutz	Administrative Order	WW	Clark	Negotiating before filing.
9/15/94	Bankston	Administrative Order	WS	Hansen	1/95-Information from City. Compliance initiated.
9/16/94	Wunschel Oil Co.; Vernus Wunschel; Jacquelyn Wunschel; Mark Wunschel (Ida Grove)	Administrative Order	UT	Wornson	Hearing set for 3/10/95.
9/19/94	Burke Marketing Corp.	Administrative Order	WW	Hansen	Informal meeting 3/2/95.
9/23/94	Chicago and Northwestern Transportation Co.	Administrative Order	SW/WW	Murphy	Negotiating before filing.
9/26/94	James D. Foust	Administrative Order	SW	Kennedy	Negotiating before filing.
10/07/94	Titan Wheel International	Administrative Order	WW	Hansen	Informal meeting 2/8/95.
10/17/94	First United Methodist Church	Administrative Order	AQ	Preziosi	Negotiating before filing.
10/19/94	Ronald Sizemore; Mark Murphy	Administrative Order	UT	Wornson	Negotiating before filing.
10/25/94	Mike Murphy d/b/a Hawley Heating & Air	Administrative Order	AQ	Preziosi	Negotiating before filing.
10/26/94	Boomsma's Inc.	Administrative Order	WW	Clark	Negotiating before filing.
10/26/94	A. J. DeCoster	Administrative Order	WW	Clark	Negotiating before filing.
10/26/94	Boomsma's Inc.	Administrative Order	AQ	Preziosi	Negotiating before filing.
10/26/94	A. J. DeCoster	Administrative Order	AQ	Preziosi	Negotiating before filing.
10/27/94	George Dolan	Administrative Order	UT	Wornson	Negotiating before filing.
10/27/94	Chuck Winder d/b/a E.D.O., Inc.	Administrative Order	AQ	Preziosi	Negotiating before filing.
10/31/94	Woodbury Co. Highway Dept.	Administrative Order	UT	Wornson	Negotiating before filing.
10/31/94	Keith Owens; Howard Maurer	Administrative Order	UT	Wornson	Negotiating before filing.
11/02/94	Richard Waugh	Administrative Order	UT	Wornson	Negotiating before filing.
11/07/94	Jerry Smith; Norma S. Nelson	Permit Issuance	FP	Clark	Negotiating before filing.
11/10/94	Williams Pipeline Company	Permit Denial	AQ	Preziosi	Negotiating before filing.
11/14/94	Tom Babinat d/b/a Tom's Car Care	Administrative Order	UT	Wornson	Negotiating before filing.
11/23/94	Walnut Acres Campground; Fred and Fran Iben	Permit Issuance	FP	Clark	Negotiating before filing.
11/28/94	Richard Beckett	Administrative Order	UT	Wornson	Negotiating before filing.
11/30/94	Welch Oil, Inc.	Administrative Order	UT	Wornson	Hearing set for 3/13/95.
12/02/94	Bork Transport, Inc.	Administrative Order	UT	Wornson	Reviewing settlement offer.
12/14/94	Campbell Clean-Up Service	Permit Denial	AQ	Preziosi	Negotiating before filing.
1/10/95	Steamboat Rock	Administrative Order	WS	Hansen	2/95-Settlement offer by City and response by Dept.
1/11/95	Henry and Randy Krohn d/b/a Krohn Construction	Administrative Order	AQ/SW	Kennedy	Negotiating before filing.

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1/13/95	Gilmore City-Bradgate Community School District	Administrative Order	AQ	Preziosi	Negotiating before filing.
1/13/95	James and Roxann Neneman	Administrative Order	UT	Wornson	Inability to pay. Forms sent.
1/13/95	Simonsen Industries, Inc.	Administrative Order	WM	Hansen	2/28/95-Submittal by facility's engineer regarding land application of sludge.
1/13/95	Sherman Water & Roads	Administrative Order	WS	Clark	New case.
1/20/95	Hubert Vote d/b/a Vote House Moving	Administrative Order	AQ	Preziosi	Negotiating before filing.
1/20/95	Allan Brandhoij d/b/a Brandhoij Construction	Administrative Order	AQ	Preziosi	Negotiating before filing.
2/07/95	Michael J. Reding	Administrative Order	WM	Clark	New case.
2/09/95	Amy Haak	GW Professional Denial	UT	Wornson	Close. Granted request for reconsideration.
2/14/95	Dennis Sharkey d/b/a Sharkey's Building Wrecking	Administrative Order	AQ	Preziosi	New case.
2/17/95	Irvin Leichty	Administrative Order	WM	Clark	New case.
2/23/95	Woden-Crystal Lake Community School District	Administrative Order	AQ	Preziosi	New case.
2/23/95	Lehigh Portland Cement	Permit Conditions	WM	Hansen	New case.
2/27/95	Sale-R-Villa Construction	Administrative Order	AQ	Preziosi	New case.

Mr. Stokes presented the routine monthly reports. He noted that in terms of the Rulemaking Status Report, the Commission will recall that they adopted rules to establish a fee structure consistent with state law for the Water Supply Program. He related that those rules recently went before the ARC and they voted to place them on session delay and refer them to appropriate standing committees of the general assembly. Mr. Stokes explained that those rules cannot go into effect until the legislature acts in some fashion, or they may possibly die if the legislature does not act and adjourns the session.

Brief discussion followed regarding items on the variance and enforcement reports.

INFORMATIONAL ONLY

COMPLIANCE STATUS UPDATE - DON GRELL

Mike Murphy, Bureau Chief, Compliance and Enforcement Bureau, presented the following item.

The Commission had earlier been requested to refer Don Grell of Ft. Dodge to the Attorney General for appropriate legal action relative to alleged violations of state solid waste laws and regulations. Litigation reports were provided to the Commissioners at that time and are confidential pursuant to Iowa Code section 22.7(4). The Commission deferred action on that request for referral and directed that they be given an update on Mr. Grell's status of compliance at their March meeting.

The Commission will be updated on Mr. Grell's efforts at compliance in the intervening period as well as his current compliance status. If the Commission needs to discuss strategy with counsel on any matter where the disclosure of matters discussed would be likely to prejudice or disadvantage its position in litigation, the Commission may go into closed session pursuant to Iowa Code section 21.5(1)(c).

Mr. Stokes reviewed that staff had previously brought a request for referral of Dodger Enterprises and the Commission decided to delay action to give Mr. Grell time to come into compliance. Mr. Grell subsequently applied for, and was issued, a permit for a tire processing facility. Conditions of the permit were that no tires would be stored outside of the building. Mr. Stokes indicated that a month ago a follow-up inspection was made and there was a sizable number of tires, whole and processed, that were stored outside. Mr. Grell was then issued a Notice of Violation Advisory which gave him 30 days to either move the tires indoors or off-site. The local field office staff made another inspection last week and found that while some tire piles had diminished, others had increased. Mr. Stokes related that there is still an estimated 35,000 whole tires and 5,000 - 10,000 processed tires stored outside. He noted that Mr. Grell is currently in violation of his tire permit. Mr. Stokes indicated that Dodger Enterprises also applied for a permit for a composting facility and the permit application was found to be deficient. In a letter dated March 10, Mr. Grell was informed of the deficiencies in the application and what it would take to correct those deficiencies.

Mr. Murphy reminded the Commission that there is a two year old outstanding penalty for this facility. He related that the staff would not want to issue an additional permit to someone in violation of his current permit, and who owes the department money under a prior enforcement action.

Don Grell

Don Grell, Dodger Enterprises, stated that the fine he has not paid has no bearing on his permits because it is still being decided in the courts. He noted that he sent the department an application for a composting facility and told staff if there was any information they needed they should let him know, but he has heard nothing from anyone. He added that last week he received a letter from the department stating that he did not send the proper papers, so this morning he visited with Brian Tormey in the WMA division about that. Additionally, he presented the department with a videotape which depicts the type of composting he will do. Mr. Grell stated that he realizes he is in violation according to Mr. Stokes and Mr. Murphy, but he has a lot of money wrapped up in this business. He indicated that he cannot get enough work

done because of the weather conditions and stressed that he has done everything the department told him to do.

Representative Norman Mundie

Representative Norman Mundie, Ft. Dodge, stated that he is familiar with the problems Iowa faces in recycling waste tires, noting that he lives within a quarter mile of one of the most famous tire piles in Iowa. He noted that he has known Don Grell for many years and he can assure that Mr. Grell always finishes what he starts. He related that Mr. Grell is not present to ask for money but is only asking for the time and opportunity to make his operation work. Representative Mundie stipulated that Mr. Grell's operation is out of sight and is certainly not an eyesore or threat to anyone. He asked the Commission to give Mr. Grell time and opportunity to make his operation a success.

Representative Michael Cormack

Representative Michael Cormack, Ft. Dodge, expressed complete agreement with Representative Mundie's comments. Additionally, he pointed out that Don Grell is a lifelong resident of Fort Dodge and with longtime community ties will not leave the area with a mess. He related that when Mr. Grell gives his word he is going to do something, he will do it. Representative Cormack noted that Mr. Grell's facility is not a mess and is a very responsible operation. He added that the department will see good results from this facility if they work with Mr. Grell.

Mr. Stokes reviewed that Mr. Grell has received a letter as to what information the department needs to consider issuing him a compost permit. He reiterated that if there is still a violation of the tire processing permit next month the matter will be back before the Commission for a decision. He reminded the Commission that some of the same things pointed out by Mr. Grell in terms of costs and other issues are the same things the Commission heard concerning another large tire pile in that vicinity, where violations continued to grow until two million tires were sitting on the ground.

Discussion followed in regards to possibly amending the permit to allow for outside storage.

INFORMATIONAL ONLY

CITY OF AMES WATER QUALITY STANDARDS

Allan Stokes, Division Administrator, Environmental Protection Division, presented the following item.

At the February Commission meeting, the City of Ames presented a letter to the Commission which raised a number of issues concerning the city's wastewater treatment plant and Iowa water quality standards in general.

The Environmental Protection Division staff has reviewed the issues and will present a response to the Ames letter.

Mr. Stokes distributed copies of the staff response to the City of Ames and presented a detailed review of same. A summary of the response stated that the city of Ames feels that Iowa's water quality standards are, in general, more stringent than required by EPA or other states and result in more expensive treatment facilities than needed to protect Iowa's water quality. A major point of contention is the expression of effluent limits for POTWs as maximum daily limits. Based on a staff review of relevant issues as well as comments received from EPA's Region VII office in Kansas City, it is the Department's position that Iowa's standards are not more stringent than required by the Clean Water Act and EPA regulations nor is there any evidence that they are, in general, more stringent than other states' standards.

The Clean Water Act and EPA give states considerable latitude and flexibility in establishing state water quality standards that are consistent with the objectives of the Clean Water Act. Iowa could reevaluate its standards and permit derivation procedures and could possibly find an alternate way to protect against chronic toxicity without expressing permit limits in terms of a maximum daily limit. However, there's no assurance that such changes would result in overall less stringent standards or less expensive treatment plants. Any changes would require EPA review and approval. EPA is required to look comprehensively at a state's water quality program and re-opening the water quality standards adoption process could result in EPA recommendations for changes in several areas where the existing standards fall short of EPA expectations.

(A copy of the detailed response is on file in the department's Records Center)

Tom Neumann

Tom Neumann, City of Ames, stated that he is not satisfied with the staff response presented today and the city will continue their appeal. He related that some of the questions will need to be answered in front of a judge because he is not satisfied with the response.

INFORMATIONAL ONLY

INTERAGENCY AGREEMENT - LINN COUNTY AIR POLLUTION CONTROL PROGRAM

Allan Stokes, Division Administrator, Environmental Protection Division, presented the following item.

The Commission will be asked to approve an interagency agreement between the department and the Linn County Health Department. This agreement sets forth each agency's respective role, in Linn County, in the on-going conduct of the air quality construction permitting program and the newly established Title V operating permit program mandated by the Clean Air Act Amendments of 1990.

The Linn County Air Pollution Control staff reviews applications and issues permits for the construction of new air pollution sources. Additionally, ambient air quality monitors are maintained, and the data recorded and reviewed. The Linn County Air Pollution Control staff will review Title V operating permit applications and draft final permits.

The agreement is for the period from October 1, 1994, through September 30, 1995. The agreement establishes three quarterly grants from the air contaminant fund totaling \$69,970.

Mr. Stokes gave a detailed explanation of the agreement and asked the Commission's approval of same.

Motion was made by Gary Priebe to approve an Interagency Agreement with Linn County Health Department for their Air Pollution Control Program. Seconded by Verlon Britt. Motion carried unanimously.

APPROVED AS PRESENTED

AIR QUALITY BUDGET & PERMIT FEES

Allan Stokes, Division Administrator, Environmental Protection Division, presented the following item.

The Commission had been provided a copy of revised budget projections for the air quality program for fiscal years 1995 and 1996 at their February meeting. A copy of that information is attached. The Commission also asked for information relative to expenditures to date. Copies of this information will be sent to the Commission under separate cover, in order to give the Commission the most current budget performance data. Staff will be available to give the Commission an explanation of the projections and answer questions. The Commission had, at an earlier meeting, decided to have parties subject to air permit fees remit only half of the total fees due for fiscal year 1995 pending review of revised budget projections for this program. The Commission will be asked to decide payment of further fees for the current fiscal year as well as a preliminary decision as to fees to be charged in November of this year to cover fiscal year 1996.

AIR QUALITY BUDGET STATE FISCAL YEAR TO JULY 1, 1995

Air Quality Cost Center

Personnel services (including 1 public service executive, 6 engineers, 6 specialists, & 2 clerks)	753,800
Travel in state	3,336
Travel out of state	4,975
University Hygienic Laboratory agreement	232,000
Office supplies	1,882
Facility maintenance supplies	770
Equipment maintenance	2,400
Other supplies	5,184
Printing and binding	20,441
Communications	22,459
Utilities	6,044
Professional services	24,475
Outside services	32,146
Advertisement in publications	326
Data processing	12,000
Reimbursement	2,000
Indirect charges	99,502
	1,223,740

Air Quality Field Cost Center

Personnel services (including 0.25 public service executive, 0.25 program planner, 4 specialists)	245,153
Travel in state	1,008
Travel out of state	1,500
Office supplies	1,000
Printing & binding	500
Communications	9,000
Outside services	275
Data processing	5,000
Reimbursement	1,000
6 computers with capability to access imaged data	37,000
Equipment	30,000
Indirect charges	32,360
	363,796

Air Toxics Cost Center

Personnel services for existing staff (including 1 attorney, 2 engineers, & 4 specialists)	276,698
Personnel services for 10 new staff for 6 months (including 1 env program supervisor, 3 engineers, & 6 specialists)	174,000
Travel in state	3,500
Travel out of state	50,000
Office supplies	22,824
Facility maintenance supplies	763
Equipment maintenance	1,000
Other supplies	1,000
Printing & binding	27,000
Communications	10,000
Utilities	1,000
Outside services	1,800

Advertisement in publications	1,000
Data processing	8,000
Reimbursement	4,000
Equipment	25,000
Polk County local program agreement (annually 387,520 ¹)	290,640
Linn County local program agreement (annually 337,000 ¹)	168,500
UNI small business assistance agreement (annually 210,000 ¹)	185,000
State Ombudsman agreement (annually 74,500 ¹)	55,875
Whitmore contract for construction permit review	20,000
Chart Services contract for construction permit review	20,000
Barr Engineering contract for construction permit review	20,000
Competitive bid contract for construction permit review	60,000
Imaging system equipment	1,000,000
Computers for 10 new staff	50,000
Office equipment & furniture for 10 new staff	50,000
Air monitoring equipment	300,000
River Hills storage lease and electricity	29,000
Indirect charges	59,500
	2,916,100

Air quality cost center	1,223,740
Air quality field cost center	363,796
Air toxics cost center	2,916,100
State share of special purchase of air monitoring equipment	148,680
	4,652,316

Carry-over air toxic fees	362,000
Title V fees received 11/94 ²	2,966,000
Federal 105 air grant	901,081

Shortfall	423,235
Non-federal funds to cover 1/3 of SFY 96 budget	
(to November 1995)	1,605,479
	2,028,714

\$8.93 per ton³¹agreement based on federal fiscal year²based on 11/94 collection of \$12 per ton only³based on total tonnage of 227,118

AIR QUALITY BUDGET

STATE FISCAL YEAR TO JULY 1, 1996

Air Quality Cost Center

Personnel services (including 1 public service executive, 6 engineers, 6 specialists,
& 2 clerks)

760,831¹

Travel in state	3,336
Travel out of state	4,975
University Hygienic Laboratory agreement	282,000 ²
University Hygienic Laboratory agreement increase for 4 stack test staff	204,320
Office supplies	1,882
Facility maintenance supplies	770
Equipment maintenance	2,400
Other supplies	5,184
Printing and binding	20,441
Communications	22,459
Utilities	5,044
Professional services	24,475
Outside services	32,146
Advertisement in publications	326
Data processing	12,000
Reimbursement	2,000
Indirect charges	<u>93,582</u>
	1,478,171

Air Quality Field Cost Center

Personnel services (including 0.25 public service executive, 0.25 program planner, 4 specialists)	248,629 ¹
Travel in state	1,008
Travel out of state	1,500
Office supplies	1,000
Printing & binding	500
Communications	9,000
Outside services	275
Data processing	5,000
Reimbursement	360
Equipment	35,000
Indirect charges	<u>30,581</u>
	332,853

Air Toxics Cost Center

Personnel services for existing staff (including 1 attorney, 5 engineers, & 10 specialists, & 1 env program supervisor)	624,698 ¹
Personnel services for 15 new staff for 10 months (including 1 env program supervisor, 2 engineers, 9 specialists, 1 attorney & 2 data specialists)	460,000
Travel in state	7,000
Travel out of state	170,000 ³
Office supplies	45,648
Facility maintenance supplies	1,526
Equipment maintenance	2,000
Other supplies	2,000
Printing & binding	54,000
Communications	40,000
Utilities	2,000
Outside services	3,600
Advertisement in publications	2,000
Data processing	16,000
Reimbursement	8,000

Equipment	29,132
Polk County local program agreement	421,520
Linn County local program agreement	200,000
UNI small business assistance agreement	210,000
State Ombudsman agreement	74,500
Competitive bid contract for construction permit review	240,000
Contract for voluntary operating permit review	500,000
Interagency agreement with prison industries for file imaging	180,000
Computers for 15 new staff	75,000
Office equipment & furniture for 15 new staff	75,000
Air monitoring equipment	150,000
River Hills storage lease and electricity	29,000
Indirect charges	<u>144,734</u>
	3,767,358

Air quality cost center	1,478,171
Air quality field cost center	332,853
Air toxics cost center	<u>3,767,358</u>
	5,578,382

Carry-over Title V fees received 5/95 ²	1,605,479
Federal 105 air grant	761,463

Shortfall	3,211,440
Non-federal funds to cover 1/3 of SFY 97 budget	
(to November 1996)	<u>1,553,925</u>
	4,765,365

\$24.68 per ton⁴¹ Includes no cost of living adjustment² Increase due to servicing additional air monitors³ Increase due to training new staff⁴ based on total tonnage of 193,050

AIR QUALITY BUDGET

STATE FISCAL YEAR TO JULY 1, 1997

Air Quality Cost Center

Personnel services (including 1 public service executive, 6 engineers, 6 specialists, & 2 clerks)	760,831 ¹
Travel in state	3,336
Travel out of state	4,975
University Hygienic Laboratory agreement	282,000
University Hygienic Laboratory agreement increase for 4 stack test staff	204,320
Office supplies	1,882
Facility maintenance supplies	770

Equipment maintenance	2,400
Other supplies	5,184
Printing and binding	20,441
Communications	22,459
Utilities	5,044
Professional services	24,475
Outside services	32,146
Advertisement in publications	326
Data processing	12,000
Reimbursement	2,000
Indirect charges	<u>93,582</u>
	<u>1,478,171</u>

Air Quality Field Cost Center

Personnel services (including 0.25 public service executive, 0.25 program planner, 4 specialists)	248,629 ¹
Personnel services for 3 new staff for 10 months (3 specialists)	85,000
Travel in state	2,000
Travel out of state	15,000
Office supplies	2,000
Printing & binding	1,000
Communications	15,000
Outside services	500
Data processing	10,000
Reimbursement	1,000
Computers for 3 new staff	15,000
Office furniture for 3 new staff	15,000
Equipment	20,000
Indirect charges	<u>41,036</u>
	471,765

Air Toxics Cost Center

Personnel services for existing staff (including 2 attorney, 7 engineers, & 19 specialists, 2 env program supervisor & 2 data specialists)	1,176,698 ¹
Personnel services for 7 new staff for 10 months (including 1 env program supervisor & 6 specialists)	216,667
Travel in state	7,000
Travel out of state	170,000
Office supplies	55,000
Facility maintenance supplies	1,800
Equipment maintenance	2,200
Other supplies	2,200
Printing & binding	65,000
Communications	48,000
Utilities	2,000
Outside services	4,200
Advertisement in publications	2,200
Data processing	20,000
Reimbursement	10,000
Equipment	35,000
Polk County local program agreement	421,520
Linn County local program agreement	200,000

UNI small business assistance agreement	210,000
State Ombudsman agreement	74,500
Competitive bid contract for construction permit review	240,000
Interagency agreement with prison industries for file imaging	90,000
Computers for 7 new staff	35,000
Office equipment & furniture for 7 new staff	35,000
Air monitoring equipment	150,000
River Hills storage lease and electricity	29,000
Indirect charges	<u>171,384</u>
	3,474,369

Air quality cost center	1,478,171
Air quality field cost center	471,165
Air toxics cost center	<u>3,474,369</u>
	5,423,705

Carry-over Title V fees received 11/95	1,553,925
Federal 105 air grant	761,463 ²

Shortfall 3,108,317

**Non-federal funds to cover 1/3 of SFY 98 budget
(to November 1997)**

1,807,746
4,916,063¹

\$26.81 per ton³

¹ Includes neither cost of living adjustment nor pay grade adjustments

² actual 105 grant money available is unknown

³ based on total tonnage of 183,400

	Engineers	Specialists	Attorneys	Admin.	Mgt.	Total
SFY95 Existing	8	14	1	2.25	1.25	26.5
+						
SFY95 New	3	6	0	0	1	10
Total SFY95	11	20	1	2.25	2.25	36.5
+						
SFY96 New	2	9	1	2	1	15
Total SFY96	13	29	2	4.25	3.25	51.5
+						
SFY97 New	0	9	0	0	1	10

Total SFY97	13	38	2	4.25	4.25	61.6
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	Total Required From Fees	Fee Required (Tons)
SFY95	\$2,966,000	\$12.00
	\$2,028,714	\$ 8.93
		(227,118)
SFY96	\$4,765,365	\$24.68
		(193,050)
SFY97	\$4,916,063	\$26.81
		(183,400)

Mr. Stokes presented the air program budget and pointed out expenditures to date in each of the program areas. He reviewed that the fee was \$24/ton and the Commission decided to have affected parties remit one-half and subsequently review the budget to decide about the second half of this year's fees. He related that a decision should be made today as to what to charge for the second half of this year's fees as well as what to charge in 1996. Mr. Stokes noted that there is an approximate shortfall of two million dollars this year and expanded on same. Some parties have already paid \$24/ton rather than paying one-half of the fee and refunds may have to be made depending on the Commission's decision. Mr. Stokes reported that four of six Environmental Specialists positions have been filled, and staff is working on hiring two more Environmental Specialists as well as three Environmental Engineers. He outlined projections for monetary needs in FY 96 and FY 97. He stated that in regard to Mr. Soener's comments about spending one million dollars for an imaging system, staff is working with General Services to come up with the best request for proposal. He related that the program could be run without the imaging system but not as efficiently and not as well. Mr. Stokes indicated that in terms of training costs, the in-state travel expenses reflect about 50% costs for training. He related that the training portion of the budget can and will be listed separately in the future. Mr. Stokes stated that the general assembly last year decided to zero out general fund appropriations for the air program. This year they allowed that, if needed, the Hazardous Waste Remedial Fund can be tapped to the tune of \$281,000, only if the program budget is completely broke. He explained that once the department's air program is approved by EPA, current federal interpretation is that Title V fees cannot be used to match federal grants. He related that many of the states question that interpretation. He further explained the federal funds scenario.

Director Wilson stated that the Governor has afforded the department the opportunity to bring issues such as this to his attention so he can take them to Washington, D.C. for discussion.

Discussion followed regarding the program fees and federal match money.

Chairperson Siebenmann asked if the Commission could assist by underscoring a request to the Governor for support.

Director Wilson agreed on sending a letter to the Governor encouraging his support.

Discussion centered around the imaging system and the possibility of submitting information on a disk.

Appointment - Amy Couch

Amy Couch, representing Iowa REC's, addressed the Commission asking them to look at the money actually being spent versus the money projected in the budget, particularly in regard to hiring costs and imaging system costs. She distributed copies of EPA rules and noted that the department cannot use Title V Operating Permit fees for match money. Ms. Couch urged the Commission to request the Governor and legislature to provide general fund money to match the federal grant, or if general funds are not appropriated this year the Governor can submit a waiver request to the EPA. She asked if it is fair to charge fees only for Title V Operating Permits and related that another way to more equitably spread the cost of the program would be to charge a fee for Construction Permits and for Voluntary Operating Permits.

Mr. Stokes proposed that the Commission collect \$12/ton for the second half fee which would solve the problem of having to give any rebates or credits next year. He added that he prefers leaving it at \$24/ton for SFY 96, with parties paying \$12/ton for the first half and doing a review in April or May to determine what is owed for the second half. A fallback proposal could be for \$9/ton for the second half.

Discussion followed in regard to hiring new employees. Mr. Stokes expanded on salary costs and the process for changing pay classifications.

Motion was made by Clark Yeager to approve the FY 95 budget at \$12/ton for the second half of FY 95. Seconded by Charlotte Mohr.

Terrance Townsend commented that at this point, where an excess is shown, that it would be real easy for people to start looking at it as a "golden egg" in setting the fee at \$12/ton rather than \$9/ton. He expressed concern with continuing to have an excess in approving the fee at \$12/ton.

Commissioner Townsend moved to amend the motion to reduce the fee to \$9/ton for the second half of the FY 95 budget. Seconded by Rozanne King.

Director Wilson asked what impact that would have on the rule process with EPA.

Mr. Stokes stated that the Commission is merely waiving a portion of the rule granting, essentially, a blanket waiver or variance therefore it would not have to go back to rulemaking. He noted that he does not know what effect it will have with EPA and invited Chris Hess to speak.

Chris Hess

Chris Hess, EPA Region 7, stated that a revised fee demonstration would be necessary if the \$9 fee were adopted and it would create some further administrative burdens for DNR. He stated that his opinion is that Mr. Stokes and staff have done a very comprehensive, very well thought out approach to this, and on behalf of EPA he would recommend collecting the \$12 fee for the remainder of the year.

Terrance Townsend withdrew his amendment and Rozanne King concurred.

Vote on Commissioner Yeager's motion to approve \$12/ton for the second half of FY 95 carried unanimously.

APPROVED FY 95 BUDGET AT \$12/TON

Chairperson Siebenmann asked if the Commission needs do anything different with the FY 96 budget.

Mr. Stokes replied that if the Commission is going to change the \$24/ton fee a Notice of Intended Action would have to be approved.

Terrance Townsend asked how long the Commission would have to make a decision for the FY 96 budget.

Mr. Stokes stated that it could be approved by September or October and noted that staff has to let industry know somewhat in advance what to expect.

Clark Yeager commented that something needs to be done about the general fund appropriations for match money.

Director Wilson stated that he and Chairperson Siebenmann will compose a letter to the Governor to recommend that he ask for a waiver.

Director Wilson stated that in regard to business and industry concerns about excess moneys being collected over the cost of the program, that the department wants to make certain that the cost of the program and receipts closely balance out. He related that staff will keep Amy Couch and Jack Soener apprised as the department goes through purchasing of equipment for the imaging system.

STATE REVOLVING FUND - INTENDED USE PLAN

Allan Stokes, Division Administrator, Environmental Protection Division, presented the following item.

The Commission will be asked to approve a final State Intended Use Plan for the State of Iowa, for fiscal year 1995 revolving fund loan assistance for wastewater treatment construction.

The attached Intended Use Plan is presented to the commission following a public hearing on the plan and the State Project Priority List included. The notice was published on January 23, 1995 and the hearing was held on February 24, 1995. Results of the public participation are addressed in Section IX of the recommended plan.

Minor changes were made to the plan as a result of comments from the Environmental Protection Agency. During the notice period several new loan applications were received. Nine applications have been added to the list of projects in the draft plan. The total of the loan applications for FY 95 now exceed the federal grant and state match for FY 95. However, the department has proposed to fund all applicants by using repayment funds and excess reserve funds already in the SRF.

Opportunity for public input is required by EPA. The IUP is the initial step in preparing a grant request for federal funds for the SRF. The state will request the maximum capitalization grant.

(A copy of the SRF-IUP is on file in the department's Records Center)

Mr. Stokes reviewed the IUP and asked the Commission's approval.

Motion was made by Clark Yeager to approve the State Revolving Fund, Intended Use Plan for FY 95. Seconded by Terrance Townsend. Motion carried unanimously.

APPROVED AS PRESENTED

NOTICE OF INTENDED ACTION--CHAPTER 112, INFECTIOUS WASTE

Allan Stokes, Division Administrator, Environmental Protection Division, presented the following item.

The Commission will be asked to approve a Notice of Intended Action for proposed rules which address regulation of infectious waste treatment and disposal facilities. 455B.503 Code of Iowa directs the Commission to adopt rules covering these facilities.

If the Notice of Intended Action is approved by the Commission public notice and hearings will be conducted to solicit public comment on these rules.

ENVIRONMENTAL PROTECTION COMMISSION [567]
Notice of Intended Action

Pursuant to the authority of Iowa Code sections 455B.304, 455B.503, and 455B.504, the Environmental Protection Commission gives Notice of Intended Action to adopt a new chapter 112, "Transportation, Treatment, and Disposal of Infectious Waste," Iowa Administrative Code.

These rules establish regulations required by the above-cited Iowa Code provisions, related to the treatment, transportation, and disposal of infectious wastes.

Any interested person may make written suggestions or comments on the proposed amendments on or before _____, 1995. Written comments should be directed to Lavoy Haage, Iowa Department of Natural Resources, Wallace State Office Building, 900 East Grand, Des Moines, Iowa 50319-0034, fax (515)281-8895.

A public hearing will be held on _____, 1995, at ____ a.m. in the _____ Floor Conference Room, Wallace State Office Building, Des Moines, Iowa, at which time comments may be submitted orally or in writing.

Any persons who intend to attend a public hearing and have special requirements such as hearing or mobility impairments should contact the Department of Natural Resources and advise of specific needs.

These amendments may impact small businesses.

These amendments are intended to implement Iowa Code sections 455B.301-307 and 455B.501-505.

The following rules are proposed.

ITEM 1. Adopt a new chapter 112, as follows:

CHAPTER 112

TRANSPORTATION, TREATMENT, AND DISPOSAL OF INFECTIOUS WASTE

567-112.1(455B) Definitions. As used in this section, unless the context otherwise requires:

"*Contaminated animal carcasses*" means waste including carcasses, body parts, and bedding of animals that were exposed to infectious agents during research, production of biologicals, or testing of pharmaceuticals.

"*Contaminated sharps*" means all discarded sharp items derived from patient care in medical, research, or industrial facilities including glass vials containing materials defined as infectious, hypodermic needles, scalpel blades, and pasteur pipettes.

"*Cultures and stocks of infectious agents*" means specimen cultures collected from medical and pathological laboratories, cultures and stocks of infectious agents from research and industrial laboratories, wastes from the production of biological agents, discarded live and attenuated vaccines, and culture dishes and devices used to transfer, inoculate, or mix cultures.

"*Human blood and blood products*" means human serum, plasma, other blood components, bulk blood, or containerized blood in quantities greater than twenty milliliters.

"*Infectious*" means containing pathogens with sufficient virulence and quantity so that exposure to an infectious agent by a susceptible host could result in an infectious disease when the infectious agent is improperly treated, stored, transplanted, or disposed.

"*Infectious waste*" means waste, which is infectious, including but not limited to contaminated sharps, cultures, and stocks of infectious agents, blood and blood products, pathological waste, and contaminated animal carcasses from hospitals or research laboratories.

"*Pathological waste*" means human tissues and body parts that are removed during surgery or autopsy.

567-112.2(455B) Treatment and Disposal.

112.2(1) *Disposal.* All infectious wastes, other than those generated by a single household, must be disposed of by one of the following two procedures:

- a.* They must be reduced to mineral and carbon ash in a permitted incinerator, or
- b.* They must be rendered noninfectious by a sterilization process and disposed of in a permitted Sanitary Landfill.

112.2(2) *Treatment.*

a. Infectious waste materials may be treated by any commercially available sterilization process including, but not limited to, heat treatment, radiation, chemical sterilants, or combinations of such appropriate methods.

b. Any person electing to treat infectious wastes as prescribed in this section must obtain certification from the manufacturer or provider of the product, device, or process that it is capable of treating the wastes so they will no longer be infectious. Any limitations, exclusions, or operational qualifications the manufacturer or provider places on that certification must be made known to the operators.

c. In addition to the treatment specified by this subrule, contaminated sharps shall be stored and transported to the disposal site in a rigid puncture-proof container, or be ground into small pieces that preclude accidental puncture.

d. Any body parts must be rendered unrecognizable before they are transported off site for treatment or disposal.

567-112.3(455B) Storage and Transportation. Generators, treaters, transporters and disposers must comply with all applicable rules of the Iowa Department of Public Health and the Iowa Department of Transportation, in addition to the following:

112.3(1) *Storage.*

- a. Infectious wastes must be segregated from other waste at the point of origin.
- b. Infectious wastes stored at the generating facility must be in a container that will prevent access by precipitation, animals, or insects.
- c. Infectious waste containers must be effectively secured from access by unauthorized persons.
- d. Containers for infectious waste must be clearly labeled identifying the nature of the contents. Permitted treatment facilities must provide separate containers for untreated and treated wastes and each must be accordingly labeled.
- e. Reusable containers exposed to direct contact with infectious waste must be disinfected before reuse.

112.3(2) *Transportation.*

- a. Infectious wastes transported from the point of origin to a treatment facility must be transported by a hauler registered with the Department of Natural Resources. When the hauler is someone other than the generator, the generator is responsible for verifying that the hauler has a current, valid registration.
- b. The container on the conveyance used to transport infectious wastes must be fully enclosed and leakproof. If the conveyance is also used to haul wastes which are not infectious the container used for infectious wastes must be separate and can not be used for any other purpose. The container for infectious waste must be labeled in a manner that identifies the nature of the contents. The lettering and signs must be easily read at a distance of 25 feet.
- c. Infectious wastes that have been treated in a permitted treatment facility may be transported to the point of final disposal by any hauler of solid waste. Treated wastes, not exempted by IAC 567 --102.15(2)d, must be contained in a red bag or otherwise clearly identified as treated infectious waste to enable the operator at the receiving facility to identify such wastes from a distance of 25 feet.

567-112.4(455B) Permitting and Registration Requirements.

112.4(1) *Permits Required*

- a. No person shall install, construct or operate an infectious waste treatment or disposal facility without a permit from the Department of Natural Resources.

b. The department will not grant a permit for an infectious waste treatment or disposal facility unless a comprehensive plan that complies with Appendix E of the department document entitled "Guidance for Solid Waste Comprehensive Plans, Part I: "Solid waste Management Alternatives" September 1990, as revised October 15, 1992, has been filed with the department. An update or revision of the comprehensive plan must be submitted each time a permit renewal or amendment is requested.

c. The department will not grant a permit for the construction or operation of a commercial infectious waste treatment or disposal facility within one mile of a site or building which has been placed on the national register of historic places. This restriction does not apply to hospitals, health care facilities licensed pursuant to Chapter 135C, physicians offices or clinics and other health service related entities. A statement certifying compliance with this paragraph will be required with each initial application for a permit.

d. Application for a treatment or disposal permit shall be made on forms provided by the department. Requirements for obtaining a permit include:

(1) Complete specifications listing the capacity and the performance standard of the device or process, preferably in the form of the manufacturer's shop drawings or data sheets.

(2) An operator's manual providing detailed instructions, including safety procedures must be provided by the supplier or prepared by the applicant, and must be readily available to the operator at all times.

(3) A contingency plan detailing the procedures and precautions to be followed in the case of emergency or malfunction must be prepared. One copy must be readily available to the operator at all times and one copy must be provided to the County Emergency Management Coordinator. If the treatment facility is located on the site of a generator of infectious waste or on a site where other activities are carried out under the direction of a common manager, one copy of the contingency plan must be retained by that manager.

(4) A map showing the location of the proposed facility and all structures or public facilities within one fourth of a mile of the facility must be included with the application.

(5) An application for an incinerator, or any other technology which may result in the emission of air contaminants to the outside atmosphere, must be accompanied by concurrent application or applications for air pollution control permit(s) required pursuant to Chapter 22.

1.3(2) *Transporter registration required.*

a. Any person transporting infectious wastes from the point of origin to a treatment facility must register the vehicle with the department on forms provided by the department. The form shall require the following information, at a minimum:

(1) The name, business address and telephone number of the transporter.

(2) The year make and model of the vehicle.

(3) The license plate number of the vehicle, the state of registration and the vehicle identification number.

(4) The signature of the person legally responsible for the operation of the vehicle.

b. A contingency plan detailing the procedures and precautions to be followed in the event of an emergency or malfunction must be prepared. One copy must be kept with the vehicle at all times, one copy must be provided to the county emergency management coordinator and one copy must be maintained to the owner's place of business.

567-112.5(455B) Operating Limitations.

112.5(1) Permits for treatment and disposal facilities may be issued for a period of not less than one year nor more than ten years.

112.5(2) A vehicle registration for an infectious waste transporter shall remain valid for the period the vehicle is used for this purpose. Any replacement vehicle must be registered prior to the start of its use.

112.5(3) Treatment and disposal facilities must be operated in compliance with all conditions listed in the permit, including all record keeping, monitoring and reporting requirements, if any are included.

112.5(4) The department may modify or amend any permit if it determines that a revision is appropriate or necessary to protect the public health.

112.5(5) The department may revoke any permit for cause. Such cause will include, but not be limited to, failure to comply with any permit condition or evidence that continued operation of the facility may pose a threat to the public health.

112.5(6) The department shall be notified within thirty (30) days of any change in the ownership, operation or physical location of any treatment, disposal or transportation facility.

112.5(7) The department shall be notified within thirty(30) days of any replacement, alteration, expansion or any material change in operation of the facility.

112.5(8) The holder of a treatment or disposal permit must submit an application for renewal of a permit not less than 90 days prior to the expiration date.

112.5(9) Any person treating, disposing or transporting infectious waste pursuant to this section must comply with all federal, state and local regulations and requirements.

This rule is intended to implement Iowa Code sections 455B.301-.307 and 455B.501-.505.

Date

Larry J. Wilson, Director

Mr. Stokes explained the rule in detail.

Motion was made by Charlotte Mohr to approve Notice of Intended Action--Chapter 112, Infectious Waste. Seconded by Gary Priebe.

Chairperson Siebenmann suggested changing the language on Page 2, under Contaminated Sharps, to include "all needles" rather than just hypodermic needles.

Mr. Stokes affirmed that the language will be changed as noted.

Rozanne King asked for clarification under 112.2(2)d, on Page 4, in reference to "body parts."

Mr. Stokes stated that the intent is for human body parts as opposed to animal parts. He added that he will change the language to state "human body parts."

Vote on Commissioner Mohr's motion carried unanimously.

APPROVED WITH EDITORIAL CORRECTIONS

NOTICE OF INTENDED ACTION--CHAPTER 117, WASTE TIRE COLLECTION AND PROCESSING

Allan Stokes, Division Administrator, Environmental Protection Division, presented the following item.

The Commission will be asked to approve a Notice of Intended Action for proposed rules addressing the permitting of waste tire collection and processing facilities. Staff will be available to explain the rules and answer questions. Chapter 455D Code of Iowa directs the Commission to adopt rules covering these facilities.

If the Notice of Intended Action is approved by the Commission public notice and hearings will be conducted to solicit public comment on these rules.

ENVIRONMENTAL PROTECTION COMMISSION [567]

Notice of Intended Action

Pursuant to the authority of Iowa Code sections 455B.304, 455D.11, 455D.11A, and 455D.11B, the Environmental Protection Commission gives Notice of Intended Action to amend chapter 117, "Requirements for Waste Tire Facilities," Iowa Administrative Code.

These rules establish regulations required by the above-cited Iowa Code provisions, related to waste tire collection and processing sites or facilities.

Any interested person may make written suggestions or comments on the proposed amendments on or before _____, 1995. Written comments should be directed to Lavoy Haage, Iowa Department of Natural Resources, Wallace State Office Building, 900 East Grand, Des Moines, Iowa 50319-0034, fax (515)281-8895.

A public hearing will be held on _____, 1995, at ____ a.m. in the _____ Floor Conference Room, Wallace State Office Building, Des Moines, Iowa, at which time comments may be submitted orally or in writing.

Any persons who intend to attend a public hearing and have special requirements such as hearing or mobility impairments should contact the Department of Natural Resources and advise of specific needs.

These amendments may impact small businesses.

These amendments are intended to implement Iowa Code sections 455B.301-.307 and 455D.11-.11B.

The following amendments are proposed.

ITEM 1. Change rule 117.2(455B,455D) to 117.1(455B,455D), delete the definition of "Tire", add the following new definitions in alphabetical order, and amend the definition of "Waste tire", as follows:

"Permit" means a permit issued by the department to establish, construct, modify, own, or operate a tire stockpiling or processing facility.

"Processing" means producing or manufacturing usable materials from waste tires.

"Processing site" means a site which is used for the processing of waste tires and which is owned or operated by a tire processor who has a permit for the site.

"Tire collector" means a person who owns or operates a site used for the storage, collection, or deposit of more than five hundred waste tires.

"Tire processor" means a person engaged in the processing of waste tires.

"Waste tire" means a tire that is no longer suitable for its originally intended purpose due to wear, damage, or defect. "Waste tire" does not include a nonpneumatic tire.

"Waste tire collection site" means a site which is used for the storage, collection, or deposit of waste tires.

ITEM 2. Adopt a new rule 117.2(455B,455D), as follows:

567-117.2(455B,455D) Permit Requirements and Conditions.

117.2(1) Applications for storage, collection or processing.

a. Application for a permit must be made on a form provided by the department and must be accompanied by the following:

(1) A map showing the site proposed to be used for the storage, collection or processing of tires, the property boundaries of the site and the location of any structures or other improvements within 1000 ft. of the site boundary.

(2) A facility closure plan that describes the actions that would be taken to remove all wastes, including processing residuals and unprocessed tires, and identifies the final disposition of all such wastes by identifying specific locations or facilities should the permitted facility cease operation for whatever reason.

(3) A vector control plan that details the methods and procedures that will be used prevent and control infestations of mosquitos and rodents.

(4) A financial assurance instrument that fully complies with rule 117.3(455B,455D).

(5) A certified check in the amount of eight hundred fifty dollars for the first year of operation. A fee of eight hundred and fifty dollars shall be paid annually by July 1 of each year after issuance of a permit, until the operation ceases and is properly closed. Failure to remit an annual fee terminates the permit, and the facility shall be properly closed in accordance with subrule 117.3(2), paragraph "d".

117.2(2) Storage and Disposal of Waste tires.

a. No person shall have five hundred (500) or more waste tires on one property or on numerous properties under their ownership, management or control unless they have a current storage permit from the department of natural resources.

b. New sites must obtain a permit from the department before initiating operation.

c. Storage sites in existence at the time of adoption of this rule must apply for a permit no later than *[one year after the effective date of this rule - date to be inserted upon final adoption]*. Permits issued for existing sites shall contain a schedule with the earliest practical date for attaining full compliance with this rule. In no case shall the compliance date be later than December 31, 1999. The one year period allowed for submitting an application by existing sites is for the purpose of providing the responsible party a reasonable period of time to acquire and submit proof of financial responsibility as required by rule 117.3(455B,455D).

d. Any person choosing not to continue the maintenance or operation of a waste tire storage site shall have properly removed all tires from the site within the one year period allowed for submitting a storage permit application. If the removal process is well under way, but not fully completed within the one year period, the department may, upon request, issue a temporary permit for the exclusive purpose of completing the removal. The additional time period granted in this manner shall not exceed six months.

e. Above Ground Storage, Open Area.

- (1) No single tire pile shall contain more than 50,000 cubic feet of waste tires.
- (2) The highest (vertical) dimension of any tire pile shall not exceed 10 ft.
- (3) The largest surface area covered by a pile shall not exceed 5,000 Sq. Ft.
- (4) ~~Fire lanes having a minimum width of 40 ft. must be maintained between any two tire piles.~~
- (5) Fire lanes having a minimum width of 20 ft. must be maintained between any tire pile and *a)* any structure, *b)* a property line, and *c)* a street.
- (6) The site must be graded and bermed to prevent any run on of precipitation and to prevent any standing pools of water on the site.
- (7) The storage site must be secured from unauthorized access by a chain link fence and gates or an equivalent method.
- (8) The perimeter of the site must be posted with signs prohibiting burning within three hundred feet of a tire pile. Perimeter signs must be not more than one hundred feet apart with lettering that is readable at a distance of one hundred feet.

f. Above Ground Storage, Enclosed area.

- (1) To qualify as an enclosed area, the structure must have a permanent roof and adequate lateral protection to prevent precipitation entering the tire storage area.
- (2) No storage structure within a city's corporate limits shall contain more than 50,000 cubic yds. of tires
- (3) No storage structure located within 1000 ft. of any other structure or facility shall contain more than 50,000 cubic yards of tires.
- (4) No combustible materials or volatile chemicals may be stored in a building permitted for tire storage.
- (5) The storage site must be secured from unauthorized access.
- (6) The perimeter of the site must be posted with signs prohibiting burning within three hundred feet of the building. The signs must be not more than fifty feet apart and must be readable at a distance of one hundred feet.

g. Underground Storage.

(1) To qualify as an underground tire storage area for purposes of this rule the area must not be subject to seepage or direct entry of surface or ground water, it must be secure from entry by unauthorized persons and it cannot be used for the storage of combustible materials or volatile chemicals.

(2) Underground sites shall have access lanes, not less than 20 ft. in width, arranged in a such a manner that no point in the tire storage area is more than 150 ft. from an access lane.

117.2(3) Processing.

a. Application for a processing permit must be made on forms provided by the department. The application must be accompanied by a map showing the area to be used as a processing site, the property boundaries of the site and the location of any structures or improvements within 1000 ft. of the property boundary. If the processing equipment is exclusively portable and will never be used to process tires on property owned or controlled by the processor, the site map referred to above need not be submitted.

b. The application must be accompanied by shop drawings, data sheets or similar documents that clearly show the process method and associated appurtenances including the capacity of the process.

c. Permits will normally be issued for a period of five years. An application for renewal shall be filed at least 90 days prior to the expiration date. Failure to remit the annual permit fee specified in subrule 117.2(1), subparagraph "a"(5) prior to the expiration of the permit will terminate any further consideration of the renewal application.

d. Any process that will or may result in air emissions, or a liquid discharge from the facility must comply with all applicable regulations, including specific permits required by air or water quality rules of the state.

e. Any person having a current tire processing permit may store tires on the processing site without a separate storage permit subject to the following limitations:

(1) All the rules in this chapter pertaining to storage, including financial assurance, are complied with, except possession of a separate permit.

(2) The number of tires in storage on site does not exceed the amount that can be processed in 300 hours of operating time.

(3) The processing equipment must have operated and successfully processed tires for a minimum of 500 hrs. during the most recent 6 month period.

f. Processed tire products on site may not exceed six months' processing capacity unless a different limitation has been specified in the permit. Such exceptions shall not be granted by the department unless the permittee has requested a different limitation with appropriate justification showing why an occasional exceedance may be necessary for normal business operations.

ITEM 3. Adopt a new rule 117.3(455B,455D), as follows:

567-117.3(455B,455D) Financial Assurance Requirements.

117.3(1) No permit can be issued by the department for a tire processor or a waste tire collection site until a financial assurance instrument, as required by this rule, has been submitted to the department. The one year period allowed for submitting an application by existing sites is for the purpose of providing the responsible party a reasonable period of time to acquire and submit proof of financial responsibility as required by this rule.

117.3(2) Financial assurance may be provided by cash, surety bond, letter of credit, or a secured trust fund.

a. A surety bond must be written by a company authorized by the commissioner of insurance to do business in this state. The bond shall be in a form approved by the commissioner of insurance and shall be payable to the department of natural resources.

b. The bond must be continuous until canceled by the surety. Written notice of intent to cancel the bond must be provided to the owner and the department at least ninety days before the effective date of the cancellation.

c. Within 30 days of receipt of a written notice of cancellation the owner must provide the department an alternative financial assurance instrument. If a means of continued financial assurance is not provided within that 30 days the department will suspend the permit.

d. The owner shall perform proper closure within 30 days of the permit suspension. For the purpose of this subrule, proper closure means the removal of all tires and related products from the premises.

e. If the owner does not properly close the site within the 30 day period allowed, the department shall file a claim with the surety company to collect the amount of the bond necessary to properly close the site.

117.3(3) Any financial assurance instrument provided to the department in compliance with this section must be payable to the department and must remain in continuous effect until the director of the department gives written notification to the owner and the surety provider that the covered facility has been properly closed. An owner who elects to terminate a permitted activity, or whose renewal application has been denied, or whose permit has been suspended or revoked for cause must submit a schedule within 30 days of the termination of the permit for completing proper closure of the terminated activity. Closure completion cannot exceed 180 days from the date of termination or the permit.

117.3(4) The director may request payment from any surety provider for the purpose of completing closure when any of the following circumstances exist.

a. The owner is more than 15 days late in providing a schedule for closure or for meeting any date in the schedule for closure.

b. The owner declares an economic inability to comply with this section, either by written notification to the Director or through an action such as a bankruptcy filing.

117.3(5) The amount of the financial assurance instrument to be provided and maintained by a permittee is as follows:

a. An application for a collection or storage facility must have a financial assurance instrument equal to eighty-five cents per tire listed as the maximum storage capacity being requested in the permit application.

b. An application for a processing facility must have a financial assurance instrument equal to eighty-five cents per tire for each tire on site that is in excess of seventy two hours of capacity of the processing equipment.

ITEM 4. Adopt a new rule 117.4(455B,455D), as follows:

567-117.4(455B,455D) General Requirements.

117.4(1) A person who contracts with another person to transport more than forty waste tires is required to contract only with a person registered as a waste tire hauler pursuant to section 9B.1.

117.4(2) Land disposal, including landfilling, of tires is prohibited unless each each tire is processed by shredding, or, at the minimum, cut into pieces that are not more than eighteen inches on any side.

117.4(3) A person who transports waste tires for final disposal is required to only dispose of the tires at a permitted sanitary disposal facility.

These rules are intended to implement Iowa Code sections 455B.301-.307 and 455D.11-.11B.

Date

Larry J. Wilson, Director

**APPLICABLE EXTRACTS FROM CODE OF IOWA REGARDING
WASTE TIRE REGULATIONS**

455D.11 Waste tires — land disposal prohibited.

1. As used in this section, unless the context otherwise requires:

a. "Permit" means a permit issued by the department to establish, construct, modify, own, or operate a tire stockpiling facility.

- b. "Processing" means producing or manufacturing usable materials from waste tires.
- c. "Processing site" means a site which is used for the processing of waste tires and which is owned or operated by a tire processor who has a permit for the site.
- d. "Tire collector" means a person who owns or operates a site used for the storage, collection, or deposit of more than five hundred waste tires.
- e. "Tire processor" means a person engaged in the processing of waste tires.
- f. "Waste tire" means a tire that is no longer suitable for its originally intended purpose due to wear, damage, or defect. "Waste tire" does not include a nonpneumatic tire.
- g. "Waste tire collection site" means a site which is used for the storage, collection, or deposit of waste tires.

2. Land disposal of waste tires is prohibited beginning July 1, 1991, unless the tire has been processed in a manner established by the department. A sanitary landfill shall not refuse to accept a waste tire which has been properly processed.

3. The department shall conduct a study and make recommendations to the general assembly by January 1, 1991, concerning a waste tire abatement program which includes but is not limited to the following:

- a. The number and geographic distribution of waste tires generated and existing in the state.
- b. The development of markets for the recycling and processing of waste tires, in the midwestern states.
- c. The methods to establish reliable sources of waste tires for users of waste tires.
- d. The permitting of waste tire collection sites, waste tire processing facilities, and waste tire haulers.
- e. The methods for the cleanup of existing stockpiles of waste tires.

4. Upon completion of the study pursuant to subsection 3, the department shall determine the number of stockpiling facilities which are necessary and shall develop rules for stockpiling facilities which include but are not limited to the following:

- a. The prohibition of burning within one hundred yards of a tire stockpile.
- b. The maximum height, width, and length of a tire stockpile.
- c. Plans to control mosquitos and rodents.
- d. A facility closure plan.
- e. Specifications for fire lanes between stockpiles.
- f. Limitations of the total number of tires allowed at a single stockpile site.

5. The department shall develop criteria for the issuance of permits and shall issue permits to qualified stockpiling facilities.

6. The department shall provide financial assistance to persons who establish recycling and processing sites for waste tires, subject to the rules established by the department for the establishment of such sites and subject to the conditions prescribed by the department for application for and awarding of such financial assistance.

7. The commission shall adopt rules which provide the following:

- a. That a person who contracts with another person to transport more than forty waste tires is required to contract only with a person registered as a waste tire hauler pursuant to section 9B.1.
- b. That a person who transports waste tires for final disposal is required to only dispose of the tires at a permitted sanitary disposal facility.

c. A person who does not comply with this subsection is subject to the penalty imposed pursuant to section 9B.1 and the moneys allocated shall be deposited and used pursuant to section 9B.1.

SEC 455D.11A Financial assurance — waste tire collection or processing sites.

1. A person owning or operating a waste tire collection or processing site shall provide a financial assurance instrument to the department prior to the initial approval of a permit or prior to the renewal of a permit for an existing or expanding facility. The financial assurance instrument shall be used to provide for closure of the waste tire collection or processing facility.

2. The financial assurance instrument shall meet all requirements adopted by rule by the commission, and shall not be canceled, revoked, disbursed, released, or allowed to terminate without the approval of the department.

3. Financial assurance instruments may include instruments such as cash or surety bond, a letter of credit in a form prescribed by the department, or a secured trust fund.

4. If the owner or operator of a waste tire collection or processing site chooses to provide financial assurance in the form of a surety bond, the bond shall be executed by a surety company authorized to do business in this state. The bond shall be continuous in nature until canceled by the surety. A surety shall provide at least ninety days' notice in writing to the owner or operator and to the department indicating the surety's intent to cancel the bond and the effective date of the cancellation. The surety bond shall be for the benefit of the citizens of this state and shall be conditioned upon compliance with this section. The surety's liability under this subsection is limited to the amount of the bond or the amount of the damages or moneys due, whichever is less. However, this subsection does not limit the amount of damages recoverable from an owner or operator to the amount of the surety bond. The bond shall be made in a form prescribed by the commissioner of insurance and written by a company authorized by the commissioner of insurance to do business in this state. If a surety bond is canceled which has been provided as financial assurance under this subsection, the owner or operator of the waste tire collection or processing site shall demonstrate to the department within thirty days of the cancellation, a means of continued compliance with the financial assurance requirements of this section. If a means of continued compliance is not demonstrated within the thirty-day period, the department shall suspend the permit for the site, and the owner or operator shall perform proper closure of the site within thirty days. If the owner or operator does not properly close the site within the time period allowed, the department shall file a claim with the surety company, prior to the effective date of cancellation of the bond, to collect the amount of the bond for use in performing proper closure. A person who fails to provide for proper closure, notwithstanding collection by the department of the amount of the bond, is guilty of a serious misdemeanor.

5. Financial assurance shall be provided in the amounts as follows:

a. For a waste tire collection or processing site initially permitted on or after July 1, 1992, the financial assurance instrument for a waste tire collection site shall provide coverage in an amount which is equivalent to eighty-five cents per tire collected by the site and the financial assurance instrument for a waste tire processing site shall provide coverage in an amount which is equivalent to eighty-five cents per tire collected for processing by the site which is above the three-day processing supply of tires for the site as determined by the department.

b. For a waste tire collection or processing site in existence prior to July 1, 1992, a waste tire collection site shall provide a financial assurance instrument in an amount which is eighty-five

cents per additional tire collected after July 1, 1992, and a waste tire processing site shall provide a financial assurance instrument in an amount which is eighty-five cents per additional tire collected for processing, above the three-day processing supply of tires for the site as determined by the department, after July 1, 1992.

c. Six months after the adoption of financial assurance rules by the department, for a waste tire collection or processing site in existence prior to July 1, 1992, the financial assurance instrument shall provide coverage in an amount which is equivalent to eighty-five cents per tire based upon one-half of the aggregate amount of tires collected prior to July 1, 1992, and remaining on site. One year after the adoption of financial assurance rules by the department, a waste tire collection or processing site shall provide a financial assurance instrument in an amount which is eighty-five cents per tire for all waste tires stored at the site above the three-day processing supply of tires.

6. The financial assurance instrument shall not be assigned for the benefit of creditors with the exception of the state, and shall not be used to pay any final judgment against a permit holder arising out of the ownership or operation of the site. The commission shall adopt rules to establish conditions under which the department may gain access to the financial assurance instrument.

7. The requirement for financial assurance shall not apply to waste tire collection or processing sites operated by a city or county, or operated in conjunction with a sanitary landfill.

SEC 455D.11B Permitting of waste tire collection or processing sites — fees.

An owner or operator of a waste tire collection or processing site, including an enclosed site, shall obtain a permit from the department prior to operation of the site. The owner or operator shall pay an annual fee of eight hundred fifty dollars to the department. The moneys collected by the department shall be deposited in the hazardous substance remedial fund established pursuant to section 455B.423 and shall be used for the purposes of administering the waste tire collection or processing site permit program.

Mr. Stokes reviewed the rules and noted that last month the Commission asked for a variance provision for beneficial use. He related that no change was made to the rules and he would recommend adding a variance provision for a beneficial use on a case-by-case basis.

Motion was made by Clark Yeager to approve Notice of Intended Action--Chapter 117, Waste Tire Collection and Processing with the inclusion of a provision for variance for beneficial uses, on a case-by-case basis. Seconded by Rozanne King. Motion carried unanimously.

APPROVED WITH VARIANCE PROVISION

LEGISLATION UPDATE

Don Paulin, Deputy Director, updated the Commission on the status the following legislative bills:

Replace starch garbage bags with re-cyclable material: on calendar for debate

Tonnage Fee re-write: on calendar for debate

Solid Waste Cleanup: dead

10 year moratorium on WW Treatment Plants: dead

Sales tax exemption for waste reduction equipment: DRF says not necessary so we will withdraw the bill

Air Toxics Temporary Fee: being repealed because permanent fees are in place

Appropriations bill: House bill is out of subcommittee and as it applies to the EPC is similar to the department's request and Governor's recommendation. Senate bill is also similar with exception of an extra million dollars for REAP and it deducts 2 of the 3 FTE's requested for livestock regulation.

Beverage Deposit bills: Three of the five deposit bills are dead; both remaining bills repeal wine and liquor laws from the 5 cent deposit, encourage curbside recycling, and call for LAG grants to be used for glass processing.

Grain Storage Moratorium: dealt with general permitting for air - passed and signed by the Governor. Another bill in the House extends general permitting to land and water also.

Infectious Waste: this bill will codify the rules the Commission passed today.

Livestock bills: Thirteen bills dealing with the livestock issue. One bill in the Senate appears to be close to the Governor's bill and comes from the Topel Report. The major House bill deviates considerably from the Topel Report.

UST bills: Six bills deal with USTs - the major bill would call for the department to use a more rigorous form of risk assessment and place the burden on registered groundwater professionals to submit reports and certify that the necessary requirements are met. The bill also establishes a dual regulatory framework on risk assessment and increases the diminution fee from one to two cents.

Open Burning: returned to committee

Packaging Bill: dead

Polystyrene Ban: passed one house

Property Tax Exemption for Recycling: one bill deals with metal, wood, glass and tires; the other deals with wood and glass - both bills are still alive.

Solid Waste Recycling Goals: bill states that the 50% reduction goal to be met by 2000 would not have to be met until there is flow control legislation passed at the federal level.

Storm Water Discharge: dead

Takings bill: out of House in a revised form now dealing only with agriculture.

Tire bill: dealing with \$10 vehicle registration - dead

Drinking Water Fees bill: changes the use of fees collected for drinking water - passed the House

Reallocate Money for Drinking Well Pluggings: on calendar for debate

Well Pump Installers and Well Drillers: two bills dealing with certification of well pump installers and well drillers - both bills are dead

INFORMATIONAL ONLY

GENERAL DISCUSSION

Rosebar

Chairperson Siebenmann asked about the status of Rosebar.

Director Wilson commented that there is nothing new on this issue.

Waste Tire Processor Meeting

Nancylee Siebenmann noted that she received a letter of request from a tire processor to meet privately with the Commission, and she informed them that it is not possible to do that under the Open Meetings Law. She advised them that they could meet with other waste tire processors along with department and Commission representatives if they so choose. Gary Priebe indicated that he could represent the Commission if this meeting does take place.

Mississippi River Parkway Commission

Charlotte Mohr reported that the Iowa Mississippi River Parkway Commission accepted an invitation for their winter meeting of 1996 to be held in the Des Moines area.

NEXT MEETING DATES


Director Wilson distributed a list of tours that could be provided in conjunction with a Commission meeting possibly in May, July, August, and October.

The Commission briefly discussed the possible tours and that it would entail two days. Director Wilson indicated that he will provide definite tour plans in April.


ADJOURNMENT

Motion was made by Gary Priebe to adjourn the meeting. Seconded by Rozanne King. Motion carried unanimously.

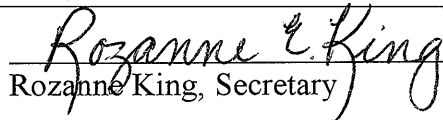
With no further business to come before the Environmental Protection Commission, Chairperson Siebenmann adjourned the meeting at 3:25 p.m., Monday, March 20, 1995.



Larry J. Wilson, Director



Nancy Lee Siebenmann, Chair



Rozanne King, Secretary

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